

MY DIARY

At the Conference of Paris

With Documents

By

DAVID HUNTER MILLER

Volume IV

Documents 216-304

The edition of this work consists of forty sets
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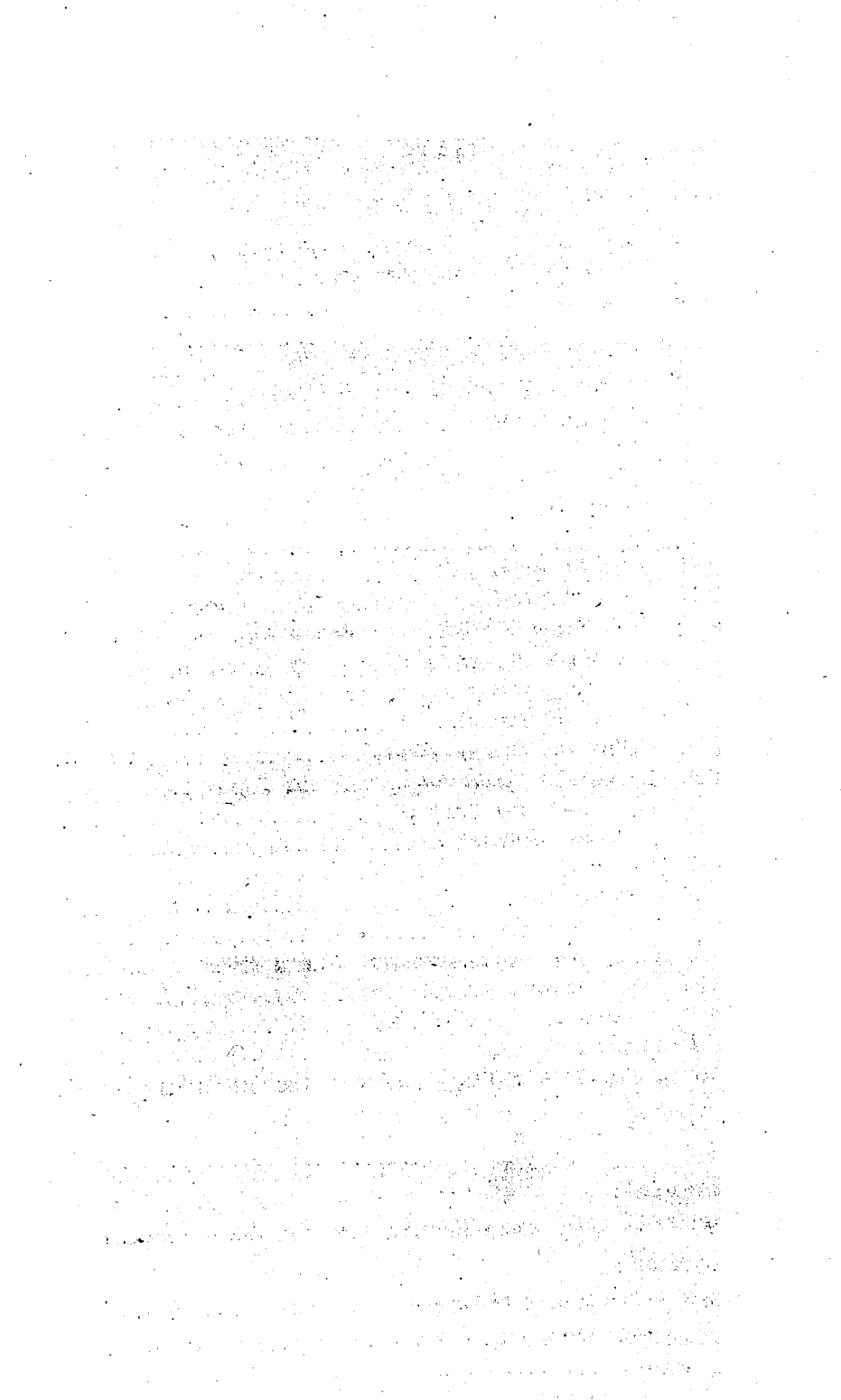
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The Treatment of Napoleon^a

The treatment of Napoleon by the Allies in 1814-1815 may be divided into two phases: the first, in 1814, when he was allowed at least a formal voice in determining his own fate; the second, in 1815, when the Allies dealt with him as a prisoner of war.

According to Metternich's *Mémoires*, the Allied Conference at Langres on January 25, 1814 decided upon the deposition of Napoleon.⁽¹⁾ Upon entering the city of Paris, the Allies announced to the inhabitants that they would treat neither with Napoleon nor with any member of his family.⁽²⁾

On April 10, at a conference at Fontainebleau the plenipotentiaries of Napoleon and of the Allies came to an agreement as to the removal of the Emperor from France. The result of this meeting, The Convention of Fontainebleau, published on the same day as Napoleon's act of abdication, stipulated the following terms:⁽³⁾

1. The Emperor and his family were to retain their titles during their lives.
2. The island of Elba was given to him in full sovereignty for his lifetime, although it was attached to France for defense against Moorish pirates.
3. The Emperor was to return to the Treasury all sums removed thence at his order. His estates in France reverted to the Crown.
4. A civil list of two million francs was set aside for persons designated by Napoleon; moreover his family was assured a revenue of two and a half million francs.
5. Through the insistence of Napoleon's representatives the Empress received the Duchies of Parma, Placenta, and Guastalla, with the tentative assurance of a revenue of two million francs.

The Emperor Alexander chivalrously desired to treat Napoleon as a sovereign, a generosity which Metternich found "très déplacée."

a. Author, James T. Shotwell. See Diary, p. 88.

It is significant that in the negotiations of April 1814 Napoleon was allowed to treat on nominally equal footing with the Allies, through his plenipotentiaries, Ney, Macdonald, and de Caulincourt, and pronounced his own adhesion to the Treaty of Fontainebleau.

The non-observance of the Treaty of Fontainebleau by the Bourbons gave Napoleon at Elba cause for discontent, Louis XVIII did not pay a sou of the two millions due to Napoleon's civil list. The income promised to the Bonaparte family was interminably delayed. Louis XVIII through Talleyrand protested at the Congress of Vienna against giving the Italian duchies to Marie Louise. Lastly, the Bourbon king, as well as some of the Allied envoys, were considering the removal of Napoleon to the Azores or to St. Helena.⁽⁴⁾

The return from Elba provoked an outburst of irreconcilable execration from the Allies and renewed the league of arms of 1813-1814. By the Declaration of Vienna of March 13, 1815 the Congress proclaimed that Napoleon's invasion had destroyed his only legal title to existence, that he had placed himself outside the law, and that no peace could be negotiated with him. "Les puissances déclarent en conséquence que Napoléon Bonaparte s'est placé hors des relations civiles et sociales, et que, comme ennemi et perturbateur du repos du monde, il s'est livré à la vindicte publique."⁽⁵⁾ The Quadruple Alliance was reconstituted, and most of the other European states also acceded to it.

The military triumph of this formidable alliance delivered Napoleon once more into the hands of the Allies. After Waterloo the Chamber of Deputies and the Senate deposed him and denied the right of succession to his son. He was compelled to leave Paris and at Malmaison planned flight to America. But from June 25th the Allied generals made the delivery of Napoleon's person one of the first and most imperative terms of an armistice. In a note of July 1st Austria, Russia, and Prussia declared that for the peace of

Europe Napoleon Bonaparte must be delivered to their keeping. On July 15th the ex-Emperor surrendered himself to the English.

The Convention of August 2, 1815, drawn up by the plenipotentiaries at Paris, contained the following clauses:⁽⁶⁾

1. Napoleon Bonaparte was the prisoner of the Allies.
2. He was entrusted to the guardianship of Great Britain, and the King of England was empowered to choose the place where he should be interned.
- 3-4. Great Britain, Austria, Russia, Prussia, and France were to appoint commissioners, who without assuming the responsibilities of guards should assure themselves of his presence.

Napoleon's relatives were, in accordance with the protocol of August 27th, interned in various states of Europe.

From England, where he fled on the *Bellerophon*, Napoleon was sent by the British government to St. Helena. He forfeited the title of Emperor, and was henceforth treated officially as a general. The remainder of his days were passed under the surveillance of the commissioners of the Allies.

NOTES.

1. Metternich, *Mémoires*, I, 182.
2. Declercq, II, 400.
3. Ibid., 402.
4. Debidour, I, 45-46.
5. Martens, N. R., II, 110.
6. Ibid., 605-607.

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DOCUMENT 217**Memorandum^a**

From: David Hunter Miller and
Major James Brown Scott,
Technical Advisors.

To: The Honorable Arthur Hugh Frazier.

Pursuant to your request we have the honor to submit herewith an expression of opinion relative to the Powers to the representatives of which an invitation might properly be addressed for submission of memoranda concerning their respective territorial claims.

Powers represented at the Conference to whom invitations should be addressed:

United States of America	Greece
British Empire	The Hedjaz
France	Poland
Italy	Roumania
Japan	Czecho-Slovakia
Belgium	Australia
Servia	South Africa
China	New Zealand

Powers represented at the Conference to whom invitation should not be addressed:

Brazil	Panama
Siam	Bolivia
Cuba	Ecuador
Guatemala	Peru
Haiti	Uruguay
Honduras	Canada
Liberia	India
Nicaragua	

The question of the invitation of Portugal seems to be one entirely of policy; the same may be said of Montenegro, which is

a. See Diary, p. 89.

mentioned in the Règlement, to which no representation has as yet been accorded.

If the invitation is to go forward to any of the neutral Powers, it is our opinion that Denmark and Sweden should be included by reason of their respective interests in Schleswig-Holstein, and in the Aaland Islands.

In the latter event it appears to us that no invitation should issue to Finland, to Luxemburg or at present to Persia, although the question here again is essentially one of policy.

If neutrals ought to be invited and if Spitzbergen is to be considered an invitation would in our opinion properly issue to Norway.

DAVID HUNTER MILLER

JAMES BROWN SCOTT

Technical Advisors, American
Commission to Negotiate Peace.

23 January, 1919.

Report from Hungary^a

Budapest,
January 16, 1919.

American Commission to Negotiate Peace,
4 Place de la Concorde, Paris.

Sirs:

I have the honor to report that our party reached here yesterday morning and we were almost at once taken to the President who talked with us for the greater part of an hour. I inclose a report of his conversation with Lieutenant Goodwin. Ever since I have been through a series of interviews only interrupted by intervals for food and sleep. I have already seen most of the ministers and several other important men and with difficulty have secured time for this short despatch before the pouch closes. All I can do is to try to recapitulate here the chief points which have been taken up by my various interlocutors.

I. The Hungarians feel that they have a great and legitimate grievance. They accepted an armistice on certain definite terms a copy of which armistice is inclosed herewith. These terms they claim have been violated in several respects. Under the armistice a certain territory in the southern part of the country was to be occupied by the Allies, but no acts of sovereignty were to be performed in it until its legitimate fate had been decided by the Peace Conference. Since the conclusion of the Armistice and after the dissolution of the Hungarian army other large tracts have been occupied by the Czechs, the Serbs and the Roumanians and Ukrainians, and the Hungarians were formally notified by the French Commanding General that they were not to oppose these advances. Also in all the above territories the invaders have de-

a. See Diary, p. 89.

posed officials, changed the language of signs and in other ways acted as if they had every intention of remaining there and of forcing the inhabitants to adopt their nationality. There have been numerous tales of outrages, particularly on the part of the Roumanians, but the conduct of the Serbs is praised. There has also been received a notification from Lt. Col. Vix saying that the Allied Powers and the United States have authorized the Czechs to act in full sovereignty in the territories occupied by them. I inclose a copy of the notification.

The Hungarians say that all this is in violation of the terms of the armistice, and that even if the notification from Lt. Col. Vix is in accordance with instructions from the Allied Powers and the United States, and of this they have had no confirmation, it does not apply to the regions occupied by the Serbs and the Roumanians and is in violation of the armistice terms. I am to see people on this subject this afternoon and shall enclose any documents they give me, but shall probably not have time to report further owing to the departure of the courier.

II. All the territory thus occupied is immediately cut off from Hungary. This has meant a dislocation of the economic life of the whole country. On the one hand it is impossible for the government to send money for pensions to the invalids, orphans, etc. in the occupied regions. On the other hand what is left of Hungary has suddenly been deprived of many of its most valuable resources, for instance, four fifths of the Hungarian coal mines have been seized and the country is suffering most acutely from the lack of coal. If this shortage continues unabated, the laming of all industries with the consequent lack of employment of the working classes means a great danger of Bolshevik revolution against a government which has no armed forces with which to meet it.

III. The one great political question in the minds of all apart from the maintenance of order and the economic situation is the danger that menaces the unity of the state. Some men even yet

can hardly realize their territory which a thousand years ago had much the same limits as at the present time is now seriously threatened with dismemberment. Others do so with a feeling of despair at what seems to them an enormity. Croatian Slavonia they abandon without too much regret, but the rest they plead passionately. Their chief arguments are:

1. The geographical and economic unity which is confirmed by the long historical one.

2. The impossibility of a division which shall not leave great masses of people under alien rule and the certainty of fresh troubles in the future.

3. Their willingness to give equal rights to all nationalities and to institute some sort of a government like that of Switzerland with cantonal independence.

4. Their readiness to put the question to the vote of the populations interested if only this can be done under fair conditions. They declare they have confidence in the result of such a vote and are willing to abide by it. When pressed they admit there are certain regions they are less confident than in others, for instance, they do not feel confident of the Roumanians, but declare that they do of the Slovaks.

Finally they rest their whole appeal on the Fourteen Points of President Wilson and say that their only hope is in the sense of justice of the United States and its leader.

I have the honor to be, Sirs,

Your obedient servant,

ARCHIBALD CARY COOLIDGE,

By WALTER GOODWIN DAVIS,

Captain of Infantry, U. S. Army.

4 incls.^a

Memo. from Lieut. Goodwin.

Memo. from Mr. C. M. Storey.

Copy of terms of armistice.

Copy of Memo. from Lt. Col. Vix.

a. I have no copies of the three memorandums enclosed with the report.

DOCUMENT 219**Cablegram Received^a**

Washington, Dated January 21, 1919.

Rec'd. 22nd 7:00 P. M.

AMERICAN MISSION, Paris.

For Davis from Rathbone.

1st. Have been shown copy of cable somewhat garbled in transmission from Minister Vopicka to Secretary of State, dated January 13th, numbered 6719 and understand copy has been sent to Hoover in Paris.

2nd. This cable indicates that Roumania has delivered to Minister Vopicka check for \$5,000,000 on National Bank of Roumania.

3rd. Unable to tell from cable whether \$5,000,000 is intended (A) as a repayment of the five drafts, for \$1,000,000 each delivered by Vopicka sometime ago, or, (B) to make payment for food purchases intended to be made out of new Roumanian \$5,000,000 credit referred to in our 688 when established, or, (C) to provide funds for food purchases in United States in addition to those contemplated to be made out of credit referred to in (B) above.

4th. Please cable full information upon this subject. In any case should think that check should be converted into dollars or francs so that amount thereof would be available for use either in payment of purchases here or to meet drafts above mentioned.

5th. State Department advises Roumania is at war with Germany and that American Minister at Bucharest has been instructed to urge Roumanian Government to forward power of attorney to representative in Washington to sign obligation.

POLK,
'Acting.

a. See Diary, p. 89.

DOCUMENT 220**Telegram from Berne^a**

Berne,

Dated January 22nd, 1919,

Rec'd 23rd, 7:05 A. M.

AMERICAN MISSION,
Paris,

January 22nd.

German Austria. NATIONAL ZEITUNG: January 21st, Vienna, 21st. Russian Red Cross Committee left Vienna Sunday. Leader Committee, Doctor Bermann and several other members arrested at Prague and Budapest at request Commandant Entente troops. Committee conducted printing office for publishing Bolshevist newspapers and pamphlets. Large stock clothing and about million crowns which Committee turned over to Danish Mission confiscated by Police.

Vienna, 21st. In reply to repeated protests by German Austrian Government against occupation German Austrian territory by neighboring states, British Government replied that in opinion British Government question boundaries between German Austria and neighboring states only be definitely decided by Peace Congress. Until then boundaries Czech-Slovak Republic to comprise historical boundaries Bohemia, Moravia and Austrian Silesia. From this and recent French statement it must be assumed that competent great powers consider that future German territory not prejudiced by present occupation. Hope therefore founded that Peace Congress will be guided in decision by justice and wish to safeguard world peace.

Vienna, 21. Newspapers report that National Assembly will convene on February 26; elections on February 16. Abond reports that immediately after Assembly meets, bill for union German

a. See Diary, p. 89.

Austria with Germany will be presented. Entire Assembly will then proceed to Germany to take part in session German National Assembly. Amalgamation German Austria with Germany expected by April 1st.

NEUE ZÜRCHER ZEITUNG: January 21st. Vienna, 20. Imposing demonstration all German political parties held Vienna yesterday to protest against oppression of German Bohemia and Germans of Sudete countries. Governor Lodgmann appealed to peoples of Europe and victorious powers at Peace Conference. German Bohemia under Czeck rule would remain hotbed new struggles. Under-Secretary State Glockel described standpoint Social Democrats who to last man advocate union all Germans in National State.

Innsbruck, 20. Provincial Assembly adopted resolution presented by all parties containing declarations that under no circumstances could surrender German South Tyrol be sanctioned.

DIE ZEIT: January 18. Graz, 17. Two members Professor Coolidge Commission arrived here today for purposes investigating language and economic conditions of border districts in Carniola and Styria, now claimed by both Jugo-Slavs and German-Austrians. Commission members conducted to Palace where negotiations between delegates Carniola and Jugo-Slav Governments were in progress and immediately participated in negotiations.

Hungary. NATIONAL ZEITUNG: January 21st. Budapest, 21st. Sunday meetings held here during which reactionary speakers incited people against Jews. Crowd made demonstration before hotel where American peace delegation quartered. Christian Socialists also held great meeting Sunday in which Government attacked. Shouts heard "Down with Jewish ministers: Down with Karolyi, the Jew friend: We do not want a Jewish war minister." Republican guard meeting. Crowd went to Karolyi's palace and demanded his retirement. Another crowd entered coffee houses

and ejected Jews. Demonstrators entered National Theatre and forced Jews to leave Theatre.

BUND: 22nd. Budapest 20th. Count Andrassy's castle, Tiszador, plundered by mob. Damage done amounts to eight million crowns.

NEUES WIENER JOURNAL: January 18. Budapest, 17th. Meeting Bolsheviks held Budapest today. In speeches Bela Kun, President Hungarian Communist party, demanded vengeance for blood of first and greatest martyrs Bolshevism, Liebknecht and Luxemburg. He said further, "Death and destruction to Government Socialists all countries: Destruction to those masses counter-revolutionists in Berlin who caused death of two greatest persons our times." Leader Red Guard made speech demanding that Budapest Communists join forces with Berlin Spartacists.

Jugo-Slav. BUND: January 22nd. Laibach, 21st. Employees of South Slav banks in Trieste notified by police to leave Trieste and occupied territory immediately. Through intervention former Deputy, time fixed for departure prolonged. Various Trieste banks must close owing to this measure. Laibach National Government will protest to Entente Governments.

Poland. BASLER NACHRICHTEN: January 22nd. Lausanne, 21st. (Ukrainian Telegraph Bureau) Reported from Stanislaw that Commandant troops stationed Cholm has requested reinforcements to meet Bolshevik danger coming from East Poland which is entirely in power Bolshevik bands. Bolshevism making great progress in entire Poland.

Bohemia. DIE ZEIT. January 18th. Prague, 17th. Czeck Academy of Sciences has conferred honorary membership on Masaryk, Wilson and Ernest Denis.

STOVALL.

Draft Convention for "Equality of Trade Conditions" ^a

(1). Goods the produce or manufacture of any one of the High Contracting Parties imported into the territories of any other, from whatsoever place arriving shall not be subjected to other or higher duties or charges than those paid on the like goods the produce or manufacture of any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any goods the produce or manufacture of any of the High Contracting Parties into the territories of another, from whatsoever place arriving, which shall not equally extend to the importation of the like goods, being the produce or manufacture of any other foreign country.

(2). Goods the produce or manufacture of any one of the High Contracting Parties exported into the territories of any other, shall not be subjected to other higher duties or charges than those paid on the like goods exported to any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the exportation of any goods from the territories of any one of the High Contracting Parties to the territories of any other which shall not equally extend to the exportation of the like goods to any other foreign country.

(3). Goods the produce or manufacture of any one of the High Contracting Parties passing through the territories of any of the other High Contracting Parties shall be free from all transit duties, whether they pass through direct, or whether during transit they are unloaded, warehoused and reloaded.

(4). The régime applied to goods imported into, exported from, or in transit through the territories of any of the High Contracting Parties shall not in any way depend on the flag or ownership of any ships in which they may be carried or on the particular

^a. British Draft. See Diary, p. 90. The comment of Dr. Young is Document 245.

frontier across which they enter or leave these territories, or on whether they are imported or exported by sea or by land.

(5). Every favour, immunity or privilege in regard to the importation, exportation or transit of goods granted by any one of the High Contracting Parties to any foreign country whatever shall simultaneously and unconditionally, without request and without compensation, be extended to all the other High Contracting Parties.

(6). The High Contracting Parties undertake not to discriminate against the trade of any Contracting State by indirect means such as Customs or administrative regulations or procedure, tariff classification or interpretation, or by any other method whatsoever.

(7). The High Contracting Parties are agreed that the principle of equality of trade conditions, which is the foundation of this Convention, is infringed by all forms of unfair competition, such as the use in trade of fake marks, names or descriptions or of marks giving a false indication direct or indirect of the origin or nature of any goods, and they engage themselves to take the necessary legislative and administrative measures to safeguard goods the produce or manufacture of any other Contracting State from such unfair competition within their own territories.

(8). The High Contracting Parties undertake to permit the ships of all Contracting States to carry any description of goods and passengers to and from any ports or places in their territories to which ships of their own nationality have access on conditions no more onerous than those applied in the case of national ships, and to treat them on a footing of equality with national ships in regard to port and harbour facilities and charges of all kinds, including facilities for stationing, loading and unloading, and duties and charges of tonnage, harbour, pilotage, light house, quarantine, and all analogous duties and charges of whatsoever nature, levied in the name or for the profit of Government, public functionaries, private individuals, Corporations, or establishments of any kind.

(9). Nothing in this Convention shall prevent any Contracting State from excluding foreign ships from its coasting trade, but while such exclusion continues the ships of that State shall have no claim under the Convention to participate in the coasting trade of any other Contracting State even if that coasting trade be not reserved for national ships.

This provision shall not affect the right of each of the Self-Governing Dominions of the British Empire and India to reserve the coasting trade of its own territory to British vessels.

(10). Nothing in this Convention shall prevent any of the Contracting States from taking measures to exclude any classes of goods or persons, or measures to counteract "dumping" or direct or indirect bounties on goods so long as such measures are impartially applied.

(11). Nothing in this Convention is to be construed as preventing the establishment of a special Customs régime applicable to trade between different portions of the territories and Dominions of one of the High Contracting Parties.

(12). Any question arising as to the carrying out by any of the High Contracting Parties of its obligations under this Convention shall unless settled amicably be referred on the demand of any Contracting Party for consideration in manner set out in the annex.

(13). Any State which is in default through failing to give effect to the decision of the Tribunal referred to in the Annex or in other manner specified therein shall not while such default continues be entitled to claim any of the privileges conferred by this Convention or the Convention establishing Freedom of Transit on its nationals, goods or ships.

The same provision shall apply to any state which has not yet fulfilled any obligations imposed on it under the Treaty of Peace to make reparation for injuries caused by the War, provided that in such case the period of suspension of privileges shall not except

by resolution of the Council of the League of Nations extend beyond five years.

TRANSITORY ARTICLE.

(14). The High Contracting Parties agree not to make any claim under this Convention on account of the temporary measures taken by, or privileges accorded to, any Contracting State, during the year immediately following the ratification of the Treaty of Peace, for the purpose of ensuring speedy recovery from the effects of the War. This period may, by Resolution of the Council of the League of Nations, be extended (to not more than 2 years).

Note of Lord Robert Cecil^a

BRITISH DELEGATION,

PARIS.

Old live representative

Three black balls

Chancellor

Capital of League

Disarmament. separate Convention

? is not Arms Convention

Compulsion to carry out arbitration
(orinoco)

Mandatory separate Convention

Permanent court of international
justice

a. January 25th. See Diary, p. 91.

Provide for Appeal

Poison gas clause.

Self government as test of membership

Porfirio Diaz - Bulgaria
above all India -

Labour

Trade

Abyssinia!!
} separate convention

Freedom of seas

app 18

Notes at meeting with
Lord Robert Cecil
Jan 25 - 1919

Article 1 - Representatives -

Domestic -

Previous meetings -

Geneva = Gibraltar?

Chancellor.

II

5 powers

with power to co-opt.

interested powers to be heard.

III

General revision =

IV

Compensation - agreed but difficult

Separate Article

Publicity - agreed

Private consultation - very difficult

V

Appeal?

Spain, Cuba & Trade



Suggestions of Lord Eustace Percy^a**PREAMBLE.**

Delete the words from "jointly and severally" to the end and insert the words "unite in constituting a League of Nations and to that end adopt the following measures."

Then insert sub-sections (i), (ii), (iii), and (iv) of Article I of Chapter I of the British Draft, substituting for the words "Chapter II" in sub-section (i) the words "Articles VII, VIII, IX, X and XI."

Insert a new sub-section (v) as follows:—

"(v) They recognise the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations. Accordingly they appoint a Commission to study and recommend the forces which should be maintained and the preparations which should be made by each of them for the purposes of such common action and they establish regular methods of conference between them for the purpose of promoting a full and frank interchange of information as to the national armaments and military and naval programmes drawn up with a view to self-defence."

Insert a new sub-section (vi) as follows:—

"(vi) They undertake that no treaty entered into between States members of the League shall be regarded as valid, binding or operative, until it shall have been pub-

a. This paper was handed me by Lord Robert Cecil on January 25th. See Diary, p. 91. It was an attempt to remodel the second Paris Draft of President Wilson (Document 211) by incorporating with it many of the provisions of the British Draft (Document 225).

The references in this paper to the American Draft by paragraph and line may be easily followed, for Document 211 is printed line for line as it was printed in Paris.

lished and made known to all other States members of the League."

Insert sub-sections 5 and 6 of the British Draft and sub-sections (vii) and (viii).

For sub-section 7 of the British Draft substitute the following sub-section (ix) :—

"They will work to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions who are engaged in manual labour and they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Accordingly they appoint a Commission to study conditions of industry and labour in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions."

Insert the remainder of Article I of the British Draft from the word "stipulations" to the words "capital of the League."

Insert Article 2 of the British Draft as Article I, substituting for the words "the boundaries of any state guaranteed by Article I (i), (ii), do not conform" the words "any feature of the settlement guaranteed by this Covenant and by the present treaties of peace no longer conforms," and substituting for the words from "so far as" to the end the words "in the case of territorial questions, cease to be under the obligation to protect the territory in question from forcible aggression by other States, imposed on them by sub-section (ii) of the Preamble."

Add at the end of this Article the following passage taken over from Article III of the American Draft:—

"In considering any such modification the League shall take into account changes in the present conditions and aspirations of peoples or present social and political relations, pursuant to the principle that Governments derive their just powers from the consent of the governed, and shall be guided by the principle, which the High Contracting Powers accept without reservation, that the growth among

all peoples of a sense of their duties as members of a corporate society is superior in importance to every question of political predominance or historical claims."

Insert Article 3 of the British Draft as Article II.

Article I (becomes Article III).

Delete from the word "which" in line 2 to the words "pro tempore" at the end of the 2nd paragraph and insert the following words:

"and an Executive Council. The Body of Delegates shall consist of Representatives of the Contracting Powers at the Capital of the League. The Meetings of the Body of Delegates shall be held at the Capital of the League or elsewhere as may be from time to time determined. At Meetings held at the Capital of the League, the Executive Council shall appoint the presiding officer of the Body. At Meetings held elsewhere the representative of the State in whose territories the Meeting is held shall be the presiding officer."

In paragraph 3 insert after the words "Body of Delegates" the words "And Executive Council" and for the words "regular diplomatic representative accredited to H." substitute the words "regular representative at the capital of the League."

Insert Article 5 of the British Draft as the concluding two paragraphs of this Article.

Article 2 (becomes Article 4).

After the words "The Body of Delegates" insert the words "and the Executive Council."

After the words "field of their action" insert the words:

"In all matters covered by this paragraph the Body of Delegates and the Executive Council may decide by a majority of the representatives present at any meeting."

Delete from the words "but all" in lines 4 and 5 of paragraph 2 and insert the following:

"but all resolutions passed or actions taken by the Body of Delegates in the execution of the functions and powers

granted to them under this Covenant shall be passed or taken either upon the initiative and recommendation of, or after reference to and approval by, the Executive Council.

"The Council shall invite any State Member of the League to send representatives to any Meeting of the Council at which matters affecting that State will be under discussion and no decision on any matter directly affecting the interests of a State Member of the League which is not represented on the Council will be binding upon any such State unless its representatives have been invited to the Meeting when the decisions in question were taken.

"The Council may also invite any State Member of the League to send representatives to any Meeting of the Council whenever the Council shall consider that the work of the League would be assisted thereby.

"All resolutions passed or actions taken by the Executive Council, or by the Body of Delegates upon the recommendation of the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves or the Executive Council, shall have the effect of recommendations to the several Governments of the League.

"The Council of the League will be responsible for ensuring the successful working of the League of Nations and for seeing that it secures the harmonious cooperation of the States Members of the League. In particular it is charged with the duty of watching over the development of all new independent States arising or created out of the present Treaties of Peace and of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

"The Executive Council shall appoint a permanent Secretariat and Staff. The Secretariat shall be under the general control and direction of the Chancellor of the League who shall hold office during the pleasure of the Council. The first Chancellor of the League shall be the person named in the Protocol hereto. Any successor shall be appointed by the Council.

"The Executive Council shall, through the Chancellor, take the necessary steps to establish and maintain close and continuous relations with the Governments of the signatory Powers, with any Governments which may be acting as mandatories of the League of Nations in any part of the world, and with any organs or agencies of international

action, whether permanent or temporary, which may be established under the general sanction of the League."

Insert Articles 10, 11, 12, 13, 15 and 16 of the British Draft as paragraphs in this Article.

Article III.

Omit, a passage on the lines of this article having been inserted in Article II which has been taken over from the British Draft.

Article IV (will now become Article V).

In view of the new sub-section (v) inserted in Article I of the British Draft which has now been embodied in the Preamble of the Main Draft, and in view of the fact that it is proposed to appoint a separate Commission of the Peace Conference to study the disarmament question, it might perhaps be preferable to omit this Article altogether. On the assumption, however, that it is retained, the following amendments may be proposed:—

After the words "formulate at once" in line 5 insert the words "after expert enquiry."

At the end of the first paragraph insert the words "but when so approved it shall not be departed from by any signatory without the consent of all."

For the rest of the Article substitute the following:

"As the basis for such a reduction of armaments, the Contracting Powers hereby agree that the following measures are desirable: the abolition of conscription and all other forms of compulsory military service; the maintenance of future forces of defence and of international action by systems of militia or voluntary enlistment, whose numbers and methods of training, together with the scale of direct military equipment and armament which may be fair and reasonable in each case, shall be fixed by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph; the introduction of full and frank publicity as to all national armaments and military or naval programmes; and the prohibition of the manufac-

ture of munitions and implements of war by private enterprise or for private profit.

"No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time, provided, however, that the League shall not prescribe such standards until the plan of disarmament referred to in the first paragraph of this Article shall have been adopted by the contracting Powers.

"In consideration of the limitations which may thus be imposed on the military and naval forces and armaments of weaker members of the League, whether in respect of the standards prescribed for them by the League or in respect of their inability themselves to undertake the manufacture of munitions and implements of war, the Contracting Powers recognize it as their joint duty to protect such weaker members of the League and to supply to them, where necessary, the amounts of direct military equipment and armaments eventually determined in the manner provided in this Article to be fair and reasonable in their case."

Article V (will now become Article VI).

For the words "there has been an" in line 6 substitute "three months after the."

After the words "Executive Council" in line 7 insert the words "provided that the award of the arbitrators shall be made within a reasonable time and the decision of the Council within six months."

After the words "In case of arbitration" at the beginning of the 3rd paragraph insert the words "pending the creation of a permanent court of international justice and in the absence of provisions in any agreement between the parties to the dispute prescribing the constitution of the court to which the dispute shall be submitted."

Delete paragraphs 4 and 5.

For the words at the beginning of the 6th paragraph "If for any reason" to "dispute" substitute the words in Chapter 2, Article

4 of the British Draft "If there should arise between States, members of the League, any dispute likely to lead to a rupture which is not submitted to arbitration under paragraphs 2 and 3 of this Article they shall apply, &c."

After the word "and" in the 5th line of the 6th paragraph insert the words "the Chancellor shall."

After the word "consideration" in the 7th line of the 6th paragraph insert Article 6 of Chapter 2 of the British Draft, substituting the words "under this Article" for the words "Article 4," and deleting the words "the Conference or."

For the word "it" in the same line substitute the words "the Council."

Delete the words "and as soon as possible make public," since this has now been covered by the insertion of Article 6 of the British Draft.

Delete the sentence "Other members" to "peaceful settlement" and the sentence "Should the Executive Council" to "disputants." For the latter sentence substitute Article 9 of Chapter 2 of the British Draft, deleting the words "of the Conference or" in the 1st line, the words "or a similar report by the Conference" in the 7th line, the words "or the Conference" in the 9th and 10th lines, and the words "Conference or" in the 12th line, and substituting the words "Articles VII and VIII" for the words "Articles 12 and 13."

Insert as an additional paragraph to this Article VI, Article 7 of the British Draft, deleting the words "the Conference or" in the 1st line and the words "Conference or" in the 10th and 13th-14th lines.

Insert as a final paragraph of this Article VI, Article 5 of the British Draft, substituting for the words from "Conference" in line 5 to the end the words "Body of Delegates, the Chancellor shall refer the matter to that Body. In addition the Council may at any time in the course of its investigation of a dispute or within the period of three months after the making of its report refer the

consideration of the dispute to the Body of Delegates. In such cases all the relevant provisions of this Article regarding the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates."

Article VI (will now become Article VII).

For the words "Article V" in line 2 substitute "Article VI."

Before the last paragraph insert the last paragraph of Article 13 and Article 14 of the British Draft.

At the end of the Article substitute for the words "Supplementary Article IV" the words "the third paragraph of Article IV" and insert the following "and as part of the terms of Peace imposed on such State, it shall be called upon to restore" and continue as in Article 15 of the British Draft.

Article VII.

The difficulty about this Article is that it appears to refer to two possible cases, one, the case of an attack by a Power, not a member of the League, and the other, an act of war by a Power, member of the League, of a more aggravated character than is necessarily involved in the breach of the Covenant mentioned in Article VI. In so far as it refers to the former case it would appear to duplicate Article X.

In the latter case the distinction between Articles VI and VII is so vague that it would seem preferable to leave Article VII out altogether and to transfer the word "blockade" to Article VI. It is, in addition, not evident what the "closing the frontiers" mentioned in Article VII can mean over and above the prevention of all intercourse with the subjects of any other State which is already provided for in Article VI. It is therefore assumed that this Article may be omitted.

Article VIII.

For the words "and to all the Powers" down to the word "take"

substitute the words "which shall have the right to take through the organs herein provided".

For the word "Delegates" in the 3rd line of paragraph 3 substitute the word "Chancellor".

Omit the last paragraph.

Article IX.

For the words "The Delegates" in line 6 substitute the words "The Council".

Articles X and XI stand.

Article XII.

Omit the last sentence.

It is also for consideration whether Article 2 of Chapter 3 of the British Draft should not be inserted and whether, as in Article 3 of Chapter 3 of the British Draft, the process of application should be left undetermined by substituting the word "League" for the words "Body of Delegates".

Article XIII stands.

Insert as a new *Article XIV*, Article 4 of Chapter 3 of the British Draft.

SUPPLEMENTARY AGREEMENTS.

In consideration of the fact that a general declaration in regard to the matters dealt with in Articles I, II and III is contained in Sub-Section 3 of Article I of the British Draft now inserted in the Preamble of the American Draft and in consideration of the fact that there is a Supplementary Draft of a general Convention regarding mandatories, it seems preferable to substitute this Supplementary British Draft for Articles I, II and III. This Supplementary Draft covers practically the same ground as these Articles in detailed form.

Article IV, paragraph 1, of these Supplementary Agreements

has been transferred with additions to Article V of the main Convention.

Paragraph 2 of Article IV has been combined with Article 6 of Chapter I of the British Draft and inserted in Article IV of the main Draft which has now become a compendium of the duties of the Executive Council.

Article V of the Supplementary Agreements has been combined with Sub-Section 7 of Article I of the British Draft now embodied in the Preamble of the main Draft.

Article VI. It has been the intention of the British Draft to leave the question of racial or national minorities to be settled in the territorial treaties which are generally guaranteed by the League. This decision is based upon the fact that in some cases such minorities will demand a guarantee of *distinct* treatment in such matters as linguistic schools, while in others they will demand the equal treatment guaranteed to them by this Article VI. Moreover, if, as may be hoped, some means can be found in the territorial treaties of committing the regulation of such questions to the joint action of the States immediately concerned—e. g. by a standing Commission of such States under an impartial chairman,—it is doubtful whether the intervention of the Great Powers, under the general provisions of the Covenant creating the League of Nations, would conduce to the smooth working of such “regional” Commissions.

It seems better therefore to omit Article VI unless and until it becomes evident that it is impossible to deal with these questions adequately in the territorial treaties.

Article VII is to a certain extent covered by a provision in the British Draft Convention regarding mandatories.

In regard to new and independent States, this is a matter of internal government which it is almost impossible for the League of Nations to supervise or enforce. It might therefore be better to omit this Article.

As regards Article VIII, it seems very doubtful whether any

provision which recognises in set terms the possibility of future wars outside those contracted on behalf of the League of Nations should be included in a Supplementary Agreement to this Covenant which will be regarded by public opinion as putting an end to future wars. The point is one with which it will perhaps be better to deal separately.

Article IX has been inserted as a new sub-section in Article I of the British Draft now embodied in the Preamble of the main Draft.

Article X is covered by Sub-Section (v) of Article I of the British Draft now embodied as Sub-Section (vii) in the Preamble of the main Draft and by the British Draft Convention dealing in detail with equality of trade conditions.

January 20, 1919.

LEAGUE OF NATIONS.

Draft Convention^a

CHAPTER I.

Functions and Organisation of the League.

I. IMPRESSED by the horrors of the late War, and convinced that another war of the same kind would be productive of still greater disasters to humanity and civilization, the High Contracting Parties* unite in constituting a League of Nations.

The primary object of the League is the promotion of peace among the nations of the world. With this intent the H.C.P. solemnly pledge themselves to co-operate in the League for the prevention of war by eliminating, so far as possible, the causes of international disputes, by providing for the pacific settlement of such disputes should they arise, and by encouraging a general system of international co-operation for promoting the peaceful progress of mankind.

For achieving these ends the H.C.P. adopt the following measures:—

- (i.) They enter into the obligations intended to secure the avoidance of war which are contained in Chapter II. of this Convention.
- (ii.) They undertake to respect the territorial integrity of all States members of the League, and to protect them from foreign aggression, and they agree to prevent any attempts by other States forcibly to alter the territorial

a. British Draft. See Diary, p. 91. Compare Document 207, of which this is a revision and see also Document 226, handed to me with this on January 25th by Lord Robert Cecil.

* Hereinafter referred to as "H.C.P."

settlement existing at the date of, or established by, the present treaties of peace.

- (iii.) They recognize the duty incumbent upon the more advanced members of the family of nations to render help and guidance, under the sanction of the League, in the development of the administration of States and territories which have not yet attained to stable government.
- (iv.) They entrust to the League the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.
- (v.) They will endeavour to secure and maintain freedom of transit and just treatment for the commerce of all States members of the League.
- (vi.) They appoint commissions to study and report to the League on economic, sanitary, and other similar problems of international concern, and they authorize the League to recommend such action as these reports may show to be necessary.
- (vii.) They appoint a commission to study conditions of industry and labour in their international aspects, and to make recommendations thereon, including the extension and improvement of existing conventions.

Stipulations for securing the above objects are embodied in separate Conventions annexed hereto or in the general treaties of peace.

(2.) The H.C.P. place under the control of the League all international bureaux established by general treaties and now located elsewhere if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the supervision of the League and shall be located at the capital of the League.

2. If at any time it should appear that the boundaries of any State guaranteed by Article 1 (i), (ii) do not conform to the requirements of the situation, the League shall take the matter under consideration and may recommend to the parties affected any modification which it may think necessary. If such recommendation is rejected by the parties affected, the States members of the League, shall, so far as the territory in question is concerned, cease to be under the obligation to protect the territory in question from forcible aggression by other States, imposed upon them by the above provision.

3. The H.C.P. agree to accept as the basis of the organisation of the League the provisions contained in the following articles.

4. A General Conference of the League shall be held within six months of the date when the present Convention comes into force, and similar conferences shall be held from time to time as occasion may require, and in any case at intervals of not more than four years.

A General Conference of the League shall be composed of responsible representatives of the States members of the League.

The meetings of the General Conference of the League are referred to in the present Convention as the Conference of the League.

5. The H.C.P. appoint the following States members of the League to constitute the Council of the League:—France, Great Britain, Italy, Japan, and the United States of America. The Council may at any time co-opt additional members. Except as provided hereafter, no State shall be represented at any meeting of the Council by more than two members.

Meetings of the Council shall be held from time to time as occasion may require, and in any case at intervals of not more than one year.

6. The Council of the League will be responsible for ensuring the successful working of the League of Nations, and for seeing that it secures the harmonious co-operation of all the States members of the League.

In particular, it is charged with the duty of watching over the development of the new States which may be recognized by the general treaties of peace, and of settling all differences which may arise between them connected with the arrangements effected by those treaties.

7. The Council shall invite any State member of the League to send representatives to any meeting of the Council at which matters affecting that State will be under discussion.

No decision on any matter directly affecting the interests of a State member of the League which is not represented on the Council will be binding upon any such State unless its representatives have been invited to the meeting when the decisions in question were taken.

8. The Conference of the League shall regulate its own procedure, and may appoint committees for any purpose it may deem convenient. In all matters covered by this Article the Conference may decide by a majority of the representatives present at any meeting. The provisions of this Article apply also to the Council of the League.

9. There shall be established a permanent international secretariat of the League. The secretariat shall be under the general control and direction of the Chancellor of the League, who shall hold office during the pleasure of the Council. The first Chancellor of the League shall be the person named in the Protocol hereto. Any successor shall be appointed by the Council.

10. The Chancellor of the League shall be assisted by such number of assistant secretaries as he may find it necessary to appoint and such further staff as he may think necessary within the limits of the expenditure which may be authorised.

11. The Chancellor shall act as the Secretary of the Conference of the League and of the Council of the League, and will be responsible to them for such duties as may be entrusted to him.

12. Representatives of the States members of the League attending meetings of the League, the representatives of the H.C.P.

at the capital of the League, the Chancellor and the members of the permanent secretariat of the League, and the members of any judicial or administrative organ or of any commission of enquiry working under the sanction of the League, shall enjoy diplomatic privileges and immunities while they are engaged in the business of the League.

All buildings occupied by the League, or by any organisation placed under the control of the League, or by any of its officials, or by the representatives of the H.C.P. at the capital of the League shall enjoy the benefits of extra-territoriality.

13. The Secretariat of the League shall be established at

. This City shall constitute the capital of the League.

The meetings of the Conference of the League and of the Council of the League shall be held at the capital of the League, or in such other place as may be determined.

14. Each of the H.C.P. may maintain a representative at the capital of the League.

15. The expenses of the League, other than those occasioned by meetings of the Council of the League, shall be borne by the States members of the League, in accordance with the distribution among the members of the Postal Union of the expenses of the International Postal Bureau. The expenses occasioned by meetings of the Council of the League shall be divided equally among the States represented on the Council.

16. The H.C.P. recognise the right of the British Empire to separate representation in respect of the Dominions of the British Empire including India, at meetings of the Conference of the League, and also at meetings of the Council, at which matters affecting any particular Dominion are under discussion.

CHAPTER II.

Avoidance of War.

1. Each of the States members of the League agrees that it

will not, except in accordance with Article 12, go to war with another State member of the League:—

- (a.) without submitting the matter in dispute to a Court of International Law or to the Conference or the Council of the League; and
- (b.) until the Court or the Conference or the Council of the League has had reasonable time to render its decision or report on the matter, provided that in the case of the Conference or of the Council the time shall not exceed months; and
- (c.) within a period of three months after the rendering of the decision or the report, including for this purpose a majority report, or after the expiration of the reasonable period referred to in (b);

and also that it will not go to war with another State member of the League which complies with the decision of the Court or, subject to Article 9, with the recommendations of the Conference or of the Council.

2. If there should arise between States members of the League any dispute likely to lead to a rupture, which both parties agree to refer to the decision of a court of international law, or which under some convention between them either party is entitled to claim as of right should be referred to the decision of a court of international law, the parties or party as the case may be shall inform the Chancellor of the League, who shall forthwith make all necessary arrangements for bringing the dispute before the Court accordingly. All questions of procedure shall, if not settled by agreement between the parties, be decided by the Court, and, pending the assembly of the Court, may be decided by the Chancellor.

3. Pending the creation of a permanent court of international justice, the court of international law to which the case is referred under the preceding article shall be the court agreed on by the parties or stipulated in the convention existing between them.

4. If there should arise between two States members of the League any dispute likely to lead to a rupture which is not submitted to a court of international law under Article 2, it shall be open to either of them to demand the reference of the matter to the League. The object of the League in dealing with the matter shall be to effect a just and lasting settlement of the difference. The Chancellor of the League shall in that case convoke a meeting of the Council of the League at such place as may be deemed most convenient under the circumstances, and the Council shall forthwith proceed with the investigation of the dispute.

5. In the event of any State represented on the Council or of any party to the dispute notifying the Chancellor within a period of 14 days after the demand for reference to the League that in its opinion the dispute is one which should be referred to the Conference, the Chancellor shall convoke a meeting of the Conference. Pending the assembly of the Conference, the investigation of the dispute by the Council shall continue.

6. The party upon whose demand the matter has been referred to the League shall file with the Chancellor of the League a statement of its case with all the facts and papers relevant to the dispute. The party against whom the complaint is made shall be invited by the Chancellor to file a statement of its case with all relevant facts and papers.

The Chancellor shall forthwith publish the statements of the parties.

The H.C.P. agree that, in the case of the reference of any dispute to the League under Article 4, they will each, whether parties to the dispute or not, place at the disposal of the Conference or the Council to the fullest possible extent compatible with their interests all the information in their possession which bears upon the questions under discussion.

7. Where the Conference or the Council finds that the dispute can with advantage be submitted to a court of international law, or

that any particular question involved in the dispute can with advantage be referred to a court of international law, it may submit the dispute or the particular question accordingly, and may formulate the questions for decision, and may give such directions as to procedure as it may think desirable. In such case, the decision of the Court shall have no force or effect unless it is confirmed by the Report of the Conference or Council.

Pending the creation of a permanent court of international justice, the court of international law referred to in this article shall be a tribunal of arbitration nominated by the Conference or the Council from among the members of the Permanent Court created by the Convention for the Pacific Settlement of International Disputes.

8. Where the dispute is under investigation by the Council, the Council shall, after considering the merits of the dispute, and the decision of a Court under Article 7, make a report to the H.C.P.

9. Where the efforts of the Conference or of the Council have led to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate.

If the dispute has not been settled, the report of the Council to the H.C.P., or a similar report by the Conference, shall be published. This report shall set forth, with all necessary facts and explanations, the recommendations which the Council or Conference think just and proper for the settlement of the dispute. If the Report is unanimously agreed to by the members of the Conference or Council, other than the parties to the dispute, the H.C.P. hereby agree that none of them will go to war with any party which complies with its provisions, and that they will take all the measures described in Articles 12 and 13 to prevent any other Power going to war with such party. If no unanimous report can be made it shall be the duty of the majority to issue a report indicating what they believe to be the facts and containing the recommendations which they consider just and proper.

10. The Council may at any time in the course of its investigation of a dispute, or within the period of three months after the making of its report, convoke a meeting of the Conference and transfer to it the consideration of the dispute.

11. Where any dispute arises between any States, whether members of the League or not, which, in the opinion of the Council, may lead to a rupture, the Council may take the dispute into consideration, and may deal with it as though it had been referred to the League under Article 4, or in such other way as will in their opinion best conduce to the peace of the world.

12. The H.C.P. agree that, in the event of any State member of the League committing a breach of Article I, it will become, *ipso facto*, at war with all the other States members of the League; they will all regard each other as co-belligerents, and will take and support each other in taking all such naval, military, or economic measures as will best avail for restraining the breach of covenant.

In particular, they shall each forthwith take all measures necessary to suspend financial, commercial, postal, and telegraphic relations with such State, and, as far as possible, shall prevent that State from having any such relations with any other Power.

13. For the above purposes, each of the H.C.P. agrees that it will detain all ships and goods within its jurisdiction belonging to any person resident in that State; it will prohibit all vessels flying the flag of its mercantile marine from entering the ports of that State; it will prohibit all exports to or imports from, and all financial transactions direct or indirect, with any person in the territory of such State; and it will also take such further economic and commercial measures as the League may deem necessary.

Furthermore, each of the H.C.P. agrees that, if it cannot make an effective contribution of naval, military, or aerial force, it will co-operate to the utmost of its power in the naval and military measures which may be taken.

The naval, military, and economic operations undertaken in

pursuance of this article and of the immediately preceding article shall be carried out without regard to any limitations hitherto imposed on belligerent States by any convention or rule of international law.

14. The H.C.P. agree, further, that they will mutually support one another in the financial and economic measures which they are bound to take under the preceding article in order to minimise the loss and inconvenience resulting therefrom, and that they will mutually support one another in resisting any special measures aimed at one of their number by the State with which relations have been broken off, and that they will afford passage through their territory to the armed forces of any of the H.C.P. who are co-operating to resist the breach of Article 1.

15. The H.C.P. agree that, as part of the terms of peace imposed upon the State which has violated the provisions of Article 1, it shall be called upon to restore all contracts existing at the date of the outbreak of hostilities between their nationals and the nationals of the enemy State which their nationals wish to maintain, and also to provide without reciprocity security for the payment of all debts owing at the date to nationals of the co-operating States members of the League.

16. In the event of disputes between one State member of the League and another State which is not a member of the League, or between two States neither of which is a member of the League, the H.C.P. agree that the State or States not members of the League shall be invited to become members of the League *ad hoc*, and the above provisions shall be applied with such modifications as may be necessary.

CHAPTER III.

General.

1. The H. C. P. agree that the provisions of this Convention shall override any previously existing treaty stipulations which may

be inconsistent by which they may be bound to any other members of the League. Furthermore, they agree that they will not enter into treaty engagements in future which are inconsistent with it.

2. Powers not represented at the present Conference may be invited to become parties to the present Convention. These invitations will be conveyed by the Chancellor of the League.

3. Powers not invited to become parties to the present Convention may apply for leave to become parties. The League shall in such case decide whether the Power so applying can be relied on to observe the terms of the Conventions, and, if not, the League may refuse the application, or, alternatively, may impose upon such Power such further conditions as it may deem necessary.

4. The provisions of this Convention shall come into effect so soon as it has been ratified by Great Britain, the United States of America, France, Italy, and Japan.

Notes on the League of Nations Draft Convention^a*Note to Chapter I.*

The Conventions to be annexed to the Covenant will be, roughly, the following:—

- (a.) Conventions defining territorial settlements;
- (b.) Conventions defining the responsibilities of mandatory States;
- (c.) Conventions dealing with arms traffic, liquor traffic, and other tutelage of backward races;
- (d.) Conventions defining general economic policy (*e. g.*, transit, air, trade conditions);
- (e.) Conventions dealing with international labour conditions;
- (f.) Conventions establishing the legal machinery of the League;
- (g.) Conventions dealing with standard international activities of a more scientific or technical character (*e. g.*, health);

and establishing in each case the international organs, whether Commissions of Enquiry or Administrative or semi-Administrative Commissions, required to carry out the terms of each Convention.

These Conventions will probably include not only new Conventions signed at Paris, but a number of existing agreements which the League will take over (*e. g.*, existing agreements under (g), such as the Postal Union).

Note to Chapter I, Article 10.

The duties of the Chancellor should be somewhat as follows, and directions to that effect might be given to him by the States composing the Council in a protocol:—

a. This is a British note to Document 225. See Diary, p. 91.

- (a.) He should convene the meetings of the Conference and the Council, prepare the work of these meetings, and record the business transacted at them.
- (b.) He should facilitate and register the results of the work of the various international organs indicated in the Note to Chapter I, and, in this connection, he should carry out the provisions of Chapter I, article 1 (2) of the Convention.
- (c.) He should take the action required of him in connection with international disputes, as provided in Chapter II.
- (d.) He should register all international treaties brought to the cognisance of the League.
- (e) In general, he should collect, for the information of the Council and the Conference, all facts affecting the purposes and obligations of the League.
- (f.) The Conference and Council of the League should correspond through him, as the sole responsible channel, with the member States, with the international bodies indicated under (b), and with any court of international law or conciliation operating in pursuance of this Convention.
- (g.) He should maintain current relations at the capital of the League with any official representatives whom the member States may accredit to the League.
- (h.) He should, at the request of two or more member States, make arrangements for any official inter-State meetings which it may be desired to hold.
- (i.) He should make similar arrangements for any unofficial meetings of an international character which he, as the representative of the Council, may consider it advisable to invite to the capital of the League.

Note to Chapter I, Article 11.

It might be well to agree in a protocol that the Council shall, in the first instance, direct the Chancellor to select the secretariat in a particular way. Such a protocol, signed by the States composing the Council, might stipulate that the Chancellor shall appoint ten permanent secretaries at his discretion, subject to the following provisions:—

He shall choose one national of each of the States members of the Council, two nationals of two European States not members of the Council, one national of one of the States of America other than the United States, and two nationals of any States members of the League at his discretion. Before appointing a national of any State, the Chancellor ought, however, to secure the approval of the Government of such State, and the Council should have the right to veto any given appointment by unanimous vote.

Note to Chapter III, Articles 1 and 2.

1. On the assumption, as a matter of procedure, that the Convention will in the first instance be negotiated and initialled by the States forming the Council of the League, and that it will then be offered for signature, during the Conference of Peace, to all the other States represented at that Conference (except the enemy Powers), it is suggested that a protocol should be annexed to the Convention, as originally initialled, naming the States to whom invitations should be issued as soon as the Convention is finally signed by the States represented at the Conference. It is suggested that invitations should be issued as follows:

- (a.) to any States at war with Germany, or having broken off diplomatic relations with her, which may not be represented at the Conference;

(N. B.—It is possible that the United States may advise against the inclusion of some Latin-American State coming within this category, *e. g.*, Costa Rica.)

- (b.) to European neutrals, *i. e.*, Sweden, Norway, Denmark, Holland, Switzerland, and Spain;
- (c.) to Latin-American States not represented at the present Peace Conference, except Mexico, Hayti, Santo Domingo, and any other State which, in the opinion of the United States, may be considered unready for membership (without prejudice to the right of such State to apply for membership under Article 17).
- (d.) to Persia.

2. The protocol should further set out that invitations should be issued to new States recognised as sovereign and independent by the Peace Conference. Jugo-Slavia would be included in this class of States, unless it were organically united to Serbia.

3. The policy with regard to the admission to the League of enemy Powers, *i. e.*, Germany, Austria, Hungary, Bulgaria, and Turkey, remains to be decided. On the whole, it might be well to state in a protocol that they will be invited to apply, under Article 17, "when they have given proof of their genuine acceptance of the present Convention, of the treaties and agreements annexed thereto, and of the present general treaties of peace, and of their determination to abide by those obligations."

Russia cannot probably be invited to adhere, but it may be advisable to state in a protocol the reasons for this omission.

Draft Convention Regarding Mandataries (Revised 24. I. 19)^a

1. The High Contracting Parties agree and declare that all territories named in the protocol hereto as "vested territories" which in consequence of the late war are to be transferred to any states shall be held by such states upon trust to afford to their inhabitants peace, order and good government.

2. The High Contracting Parties further agree that all the territories named in the protocol hereto as "assisted states" which in consequence of the late war are to attain their independence, shall be entitled to such assistance as they may desire for the purpose of securing peace, order and good government for the population of those states and may for the purpose of obtaining such assistance select in concert with the Council of the League of Nations some state member of the League as assisting power unless under any convention in connection with the Peace Treaty an assisting power has already been assigned to them.

3. In no vested territory shall the following practices be permitted:

- (i) Slavery and forced labour.
- (ii) Traffic in intoxicants deleterious to the health of the natives.
- (iii) The establishment and maintenance of fortifications or fortified bases or native armed forces, except for the purpose of and to the extent necessary for guarding or policing the territory administered by the authority immediately responsible for their maintenance.
- (iv) The grant by the State of any rights or powers involving the transfer to private individuals or corporations of

a. This draft of Cecil was handed to me by him on January 25th, with a note attached which is Document 228. See Diary, p. 91.

the responsibility for discharging any of its obligations under this convention.

- (v) The reservation by any State of the produce of any territory for the benefit of its own nationals, whether by restriction on Export, Government Monopoly, or special concessions to individuals or companies.

4. In all vested territories or assisted states there shall be maintained:

- (i) Freedom of conscience or religion, subject only to the maintenance of public order and morals;
- (ii) the policy of the open door or equal opportunity for the nationals of all the states Members of the League in respect of the use and development of the economic resources of such territories;
- (iii) freedom of transit and equality of trade conditions in accordance with the provisions of the Conventions relating thereto;

and execution shall be duly and faithfully given to

- (iv.) the provisions of the Arms Traffic Convention.

5. In respect of vested territories the States placed in charge thereof shall discharge all duties and responsibilities and be invested with all powers and rights of a sovereign government, but they shall report annually to the League of Nations on all matters relating to the discharge of their obligations under this convention. Such Report shall contain full information as to the progress of the territories and particularly as to the steps taken to secure effectively the prevention of the prohibited practices.

6. In respect of assisted States the assisting States shall be invested with such powers, rights, duties and responsibilities as shall be given to them by any agreements with the Assisted States, and they shall report the terms of such agreements to the League of

Nations and shall also make a report every year to the League showing the steps taken to carry out those terms.

7. There shall be established by the Council of the League a Commission or Commissions to assist the League in the supervision of the mandatory states and the reports mentioned in articles 5 and 6 shall be considered by such commission and commissions, who may make such recommendations thereon to the Council of the League as they shall think right.

Note. The terms of this Draft Convention would, of course, be additional to any special provisions contained in the Treaties creating each individual mandate.

Note^a

It may possibly be desirable to amend the annexed draft Convention regarding Mandatories in the direction of adding some general declarations agreeable to American and to international labour sentiment. The following additions are suggested as innocuous and in accord with British practice.

PREAMBLE.

The High Contracting Parties who have united in creating, by the present Treaties of Peace and by the Covenant establishing the League of Nations, the new settlement of territories which formerly belonged to Austria-Hungary and Turkey and of the Colonies formerly under the dominion of the German Empire, recognising that the League of Nations must be regarded as the guardian of the settlement thus arrived at and, in all matters not so finally settled, as Trustee for the peoples of the territories named in the Protocol hereto, now unite in laying down certain fundamental principles in accordance with which they are resolved that this trusteeship shall be exercised.

ARTICLE I.

At the end, after the words "good government" insert the words "All policies of administration or economic development shall be based primarily upon the well considered interests of the peoples themselves. Although, in such territories, the inhabitants are not yet capable of nominating or explicitly approving the State appointed as mandatory of the League, it is recognized that the rule requiring the consent of the governed to their form of government should nevertheless be fairly and reasonably applied, and that the Mandatory should take into full and friendly consideration any expression of

a. This is a note to Document 227 handed to me with that Document by Cecil on January 25th. See Diary, p. 91.

the desires of the inhabitants or of any section of them, with the object of determining their best interests, in view of all the circumstances of their situation and development."

ARTICLE II.

Add at the end after the words "assigned to them" "The assisting State thus selected in accordance with the expressed desire of the autonomous people of the territory concerned shall adopt as the object of all tutelary functions discharged by it the development of that people in as short a time as possible, into a political unit which can fully take charge of its own affairs, determine its own connections and choose its own policy."

CONFERENCE DE LA PAIX

Ordre du Jour de la Séance du 25 Janvier 1919^a

- 1°.—Procès-Verbal de la Séance précédente,
- 2°.—Indication des Commissions constituées pour l'étude des questions suivantes:
 - Société des Nations,
 - Réparation des dommages,
 - Responsabilités des auteurs de la guerre, et sanctions,
 - Législation internationale du travail,
 - Régime international des ports, voies d'eau et voies ferrées.
- 3°.—Discussion sur la Société des Nations.

a. See Diary, p. 91.

PRELIMINARY PEACE CONFERENCE

Protocol No. 2^a

PLENARY SESSION OF JANUARY 25, 1919.

THE Session is opened at 15 o'clock (3 p. m.) under the presidency of Mr. Clemenceau, President.

Present:

FOR THE UNITED STATES OF AMERICA:

The President of the United States.

Honorable Robert Lansing.

Honorable Henry White.

Honorable Edward M. House.

General Tasker H. Bliss.

FOR THE BRITISH EMPIRE:

GREAT BRITAIN:

The Rt. Hon. D. Lloyd George.

The Rt. Hon. A. J. Balfour.

The Rt. Hon. G. N. Barnes.

The Hon. C. J. Doherty, Minister of Justice of Canada.

The Rt. Hon. Sir Joseph Ward, Bart., K.C.M.G., Minister of Finance and Posts of New Zealand.

The Rt. Hon. The Lord Robert Cecil, K.C., M.P., Technical Delegate for the League of Nations.

DOMINIONS AND INDIA:

Canada:

The Rt. Hon. Sir Robert Borden, G.C.M.G., K.C., Prime Minister.

The Rt. Hon. Sir George Eulas Foster.

Australia:

The Rt. Hon. W. M. Hughes.

The Rt. Hon. Sir Joseph Cook.

a. See Diary, p. 91.

South Africa:

General The Rt. Hon. Louis Botha.

Lieut.-General The Rt. Hon. J. C. Smuts.

New Zealand:

The Rt. Hon. W. F. Massey, Prime Minister.

India:

The Rt. Hon. E. S. Montagu, M.P., Secretary of State
for India.

Major-General His Highness The Maharaja of Bikanir.

FOR FRANCE:

Mr. Clemenceau.

Mr. Pichon.

Mr. L. L. Klotz.

Mr. André Tardieu.

Mr. Jules Cambon.

Mr. Léon Bourgeois, former President of the Council of
Ministers, former Minister of Foreign Affairs, Tech-
nical Delegate for the League of Nations.

Marshal Foch.

FOR ITALY:

Mr. V. E. Orlando, President of the Council of Ministers.

The Baron S. Sonnino.

The Marquis Salvago Raggi.

Mr. Antonio Salandra, Deputy, former President of the
Council of Ministers.

Mr. Salvatore Barzilai, Deputy, former Minister.

Mr. Scialoja, Senator of the Kingdom, Technical Dele-
gate for the League of Nations.

FOR JAPAN:

The Baron Makino, Member of the Diplomatic Advisory
Council, former Minister of Foreign Affairs.

The Viscount Chinda.

Mr. K. Matsui.

Mr. H. Ijuin, Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of Japan at Rome.

FOR BELGIUM:

Mr. Hymans.

Mr. Van den Heuvel.

Mr. Vandervelde, Minister of Justice, Minister of State.

FOR BOLIVIA:

Mr. Ismael Montes.

FOR BRAZIL:

Mr. Olyntho de Magalhaes.

Mr. Pandia Calogeras.

FOR CHINA:

Mr. Lou Tseng Tsiang.

Mr. Chengting Thomas Wang.

FOR CUBA:

Mr. Rafael Martinez Ortiz.

FOR ECUADOR:

Mr. Dorn y de Alsua.

FOR GREECE:

Mr. Eleftherios Veniselos, President of the Council of Ministers.

Mr. Nicolas Politis.

FOR THE HEDJAZ:

His Highness The Emir Feisal.

Mr. Rustem Haidar.

FOR PERU:

Mr. Francisco García Calderón.

FOR POLAND:

Mr. Roman Dmowski.

FOR PORTUGAL:

The Count Penha Garcia, former President of the Chamber of Deputies, former Minister of Finance.

Mr. Jayme Batalha Reis, Envoy Extraordinary and Minister Plenipotentiary of Portugal at Petrograd.

FOR ROUMANIA:

Mr. Jean J. C. Bratiano.

Mr. Nicolas Misu.

FOR SERBIA:

Mr. Pashitch.

Mr. Trumbitch.

Mr. Vesnitch.

FOR SIAM:

The Prince Charoon.

Phya Bibadh Kosha.

FOR THE CZECHO-SLOVAK REPUBLIC:

Mr. Charles Kramar, President of the Council of Ministers.

Mr. Edouard Benes.

FOR URUGUAY:

Mr. Juan Carlos Blanco.

The President informs the Conference that, at the request of the Delegation of the United States, the approval of the Protocol of the first Session is postponed to the next Session, as that Delegation has not yet received the English text of Protocol No. 1, which it reserves the right to present to the Conference.

The order of the day calls for the appointment of five Commissions charged with the duty of examining the following questions:—

1. League of Nations.
2. Responsibility of the authors of the War and enforcement of penalties.

3. Reparation for damage.
4. International Legislation on Labour.
5. International Control of Ports, Waterways and Railways.

The first Commission to be nominated concerns the League of Nations, on the subject of which the Bureau presents a draft resolution which has been distributed, in English and French, to all the members of the Conference.

The discussion is opened on the question of the League of Nations.

The President of the United States delivers the following speech:—

“I consider it a distinguished privilege to open the discussion in this Conference on the League of Nations. We have assembled for two purposes—to make the present settlements which have been rendered necessary by this war, and also to secure the peace of the world, not only by the present settlements but by the arrangements we shall make in this Conference for its maintenance. The League of Nations seems to me to be necessary for both of these purposes. There are many complicated questions connected with the present settlements which, perhaps, cannot be successfully worked out to an ultimate issue by the decisions we shall arrive at here. I can easily conceive that many of these settlements will need subsequent reconsideration; that many of the decisions we shall make will need subsequent alteration in some degree, for if I may judge by my own study of some of these questions they are not susceptible of confident judgments at present.

“It is, therefore, necessary that we should set up some machinery by which the work of this Conference should be rendered complete. We have assembled here for the purpose of doing very much more than making the present settlement. We are assembled under very peculiar conditions of world opinion. I may say without straining the point that we are not representatives of governments, but representatives of peoples. It will not suffice to satisfy governmental circles anywhere. It is necessary that we

should satisfy the opinion of mankind. The burdens of this war have fallen in an unusual degree upon the whole population of the countries involved. I do not need to draw for you the picture of how the burden has been thrown back from the front upon the older men, upon the women, upon the children, upon the homes of the civilized world, and how the real strain of the war has come where the eye of government could not reach, but where the heart of humanity beats. We are bidden by these people to make a peace which will make them secure. We are bidden by these people to see to it that this strain does not come upon them again, and I venture to say that it has been possible for them to bear this strain because they hope that those who represented them could get together after this war, and make such another sacrifice unnecessary.

"It is a solemn obligation on our part, therefore, to make permanent arrangements that justice shall be rendered and peace maintained. This is the central object of our meeting. Settlements may be temporary, but the actions of the nations in the interests of peace and justice must be permanent. We can set up permanent processes. We may not be able to set up permanent decisions, and therefore, it seems to me that we must take, so far as we can, a picture of the world into our minds. Is it not a startling circumstance for one thing that the great discoveries of science, that the quiet study of men in laboratories, that the thoughtful developments which have taken place in quiet lecture-rooms, have now been turned to the destruction of civilisation? The powers of destruction have not so much multiplied as gained facility. The enemy whom we have just overcome had at its seats of learning some of the principal centres of scientific study and discovery, and used them in order to make destruction sudden and complete; and only the watchful, continuous co-operation of men can see to it that science, as well as armed men, is kept within the harness of civilisation.

"In a sense, the United States is less interested in this subject than the other nations here assembled. With her great territory and her extensive sea borders, it is less likely that the United States should suffer from the attack of enemies than that many of the other nations here should suffer; and the ardour of the United States—for it is a very deep and genuine ardour—for the Society of Nations is not an ardour springing out of fear and apprehension, but an ardour

springing out of the ideals which have come to consciousness in the war. In coming into this war the United States never thought for a moment that she was intervening in the politics of Europe, or the politics of Asia, or the politics of any part of the world. Her thought was that all the world had now become conscious that there was a single cause which turned upon the issues of this war. That was the cause of justice and liberty for men of every kind and place. Therefore, the United States would feel that her part in this war had been played in vain if there ensued upon it merely a body of European settlements. She would feel that she could not take part in guaranteeing those European settlements unless that guarantee involved the continuous superintendence of the peace of the world by the associated nations of the world.

"Therefore, it seems to me that we must concert our best judgment in order to make this League of Nations a vital thing—not merely a formal thing, not an occasional thing, not a thing sometimes called into life to meet an exigency, but always functioning in watchful attendance upon the interests of the nations, and that its continuity should be a vital continuity; that it should have functions that are continuing functions and that do not permit an intermission of its watchfulness and of its labour; that it should be the eye of the nation to keep watch upon the common interest, an eye that does not slumber, an eye that is everywhere watchful and attentive.

"And if we do not make it vital, what shall we do? We shall disappoint the expectations of the peoples. This is what their thought centres upon. I have had the very delightful experience of visiting several nations since I came to this side of the water, and every time the voice of the body of the people reached me through any representative, at the front of its plea stood the hope for the League of Nations. Gentlemen, select classes of mankind are no longer the governors of mankind. The fortunes of mankind are now in the hands of the plain people of the whole world. Satisfy them, and you have justified their confidence not only, but established peace. Fail to satisfy them, and no arrangement that you can make would either set up or steady the peace of the world.

"You can imagine, gentlemen, I dare say, the sentiments and the purpose with which representatives of the United

States support this great project for a League of Nations. We regard it as the keystone of the whole programme which expressed our purpose and our ideal in this war and which the Associated Nations have accepted as the basis of the settlement. If we return to the United States without having made every effort in our power to realize this programme, we should return to meet the merited scorn of our fellow-citizens. For they are a body that constitutes a great democracy. They expect their leaders to speak their thoughts and no private purpose of their own. They expect their representatives to be their servants. We have no choice but to obey their mandate. But it is with the greatest enthusiasm and pleasure that we accept that mandate; and because this is the keystone of the whole fabric, we have pledged our every purpose to it, as we have to every item of the fabric. We would not dare abate a single part of the programme which constitutes our instructions. We would not dare compromise upon any matter as the champion of this thing—this peace of the world, this attitude of justice, this principle that we are masters of no people but are here to see that every people in the world shall choose its own master and govern its own destinies, not as we wish but as it wishes. We are here to see, in short, that the very foundations of this war are swept away. Those foundations were the private choice of small coterie of civil rulers and military staffs. Those foundations were the aggression of great Powers upon small. Those foundations were the holding together of empires of unwilling subjects by the duress of arms. Those foundations were the power of small bodies of men to work their will upon mankind and use them as pawns in a game. And nothing less than the emancipation of the world from these things will accomplish peace. You can see that the representatives of the United States are, therefore, never put to the embarrassment of choosing a way of expediency, because they have laid down for them their unalterable lines of principle. And, thank God, those lines have been accepted as the lines of settlement by all the high-minded men who have had to do with the beginnings of this great business.

"I hope, Mr. Chairman, that when it is known, as I feel confident that it will be known, that we have adopted the principle of the League of Nations and mean to work out that principle in effective action, we shall by that single

thing have lifted a great part of the load of anxiety from the hearts of men everywhere. We stand in a peculiar case. As I go about the streets here I see everywhere the American uniform. Those men came into the war after we had uttered our purposes. They came as crusaders, not merely to win the war, but to win a cause; and I am responsible to them, for it fell to me to formulate the purposes for which I asked them to fight, and I, like them, must be a crusader for these things whatever it costs and whatever it may be necessary to do, in honour, to accomplish the objects for which they fought. I have been glad to find from day to day that there is no question of our standing alone in this matter, for there are champions of this cause upon every hand. I am merely avowing this in order that you may understand why, perhaps, it fell to us, who are disengaged from the politics of this great Continent and of the Orient, to suggest that this was the keystone of the arch and why it occurs to the generous mind of our President to call upon me to open this debate. It is not because we alone represent this idea, but because it is our privilege to associate ourselves with you in representing it.

"I have only tried in what I have said to give you the fountains of the enthusiasm which is within us for this thing, for those fountains spring, it seems to me, from all the ancient wrongs and sympathies of mankind, and the very pulse of the world seems to beat."

Mr. Lloyd George (Great Britain) delivers the following speech:—

"I arise to second this resolution. After the noble speech of the President of the United States I feel that no observations are needed in order to commend this resolution to the Conference, and I should not have intervened at all had it not been that I wished to state how emphatically the people of the British Empire are behind this proposal. And if the national leaders have not been able during the last five years to devote as much time as they would like to its advocacy, it is because their time and their energies have been absorbed in the exigencies of a terrible struggle.

"Had I the slightest doubt in my own mind as to the wisdom of this scheme it would have vanished before the irresistible appeal made to me by the spectacle I witnessed last Sunday. I visited a region which but a few years ago

was one of the fairest in an exceptionally fair land. I found it a ruin and a desolation. I drove for hours through a country which did not appear like the habitation of living men and women and children, but like the excavation of a buried province—shattered, torn, rent. I went to one city where I witnessed a scene of devastation that no indemnity can ever repair—one of the beautiful things of the world, disfigured and defaced beyond repair. And one of the cruellest features, to my mind, was what I could see had happened: that Frenchmen, who loved their land almost beyond any nation, in order to establish the justice of their cause, had to assist a cruel enemy in demolishing their own homes, and I felt: these are the results—only part of the results. Had I been there months ago I would have witnessed something that I dare not describe. But I saw acres of graves of the fallen. And these were the results of the only method—the only organised method—the only organised method that civilised nations have ever attempted or established to settle disputes amongst each other. And my feeling was: surely it is time, surely it is time that a saner plan for settling disputes between peoples should be established than this organized savagery.

“I do not know whether this will succeed. But if we attempt it, the attempt will be a success, and for that reason I second the proposal.”

Mr. Orlando (Italy), having asked leave to speak, delivers the speech of which the following is a translation:—

“Allow me to express my warmest adhesion to the great principle which we are called upon to proclaim to-day. I think that we are thus accomplishing the first and the most solemn of the pledges which we gave to our people when we asked them to make immense efforts in this immense war; pledges of which the counterpart was death, nameless sacrifices and boundless grief. We are therefore fulfilling our duty in honouring this sacred pledge. That is much, but it is not all. We must bring to the task a spontaneous spirit and, if I may be allowed the mystic expression, purity of intention. It is not in any spirit of petty national vanity that I allow myself to recall the great juridical traditions of my people and its aptitude for law. I only do so the better to prove to you that the mind of the Italian people is well fitted to accept this principle spontaneously and wholly.

Now, law is not only the defence of order, founded on justice, against all violence, it is also the necessary outward form, guaranteed by the State, of that essential principle which forms the very foundation of the existence of human society, that is to say, the principle of social co-operation. I think, then, that the formula proposed to us offers, not only guarantees against war, but also that co-operation among nations which is the true essence of right.

"Mr. President, Gentlemen—to-day is a great moment, a great historical date, because it is only from to-day that the law of peoples begins and is born, and the fact that this birth has taken place in the generous and glorious land of France, which has proclaimed and won acceptance for the rights of man by its genius and its blood, appears to me to be a happy omen. *Quod bonum felix faustumque sit.*"

Mr. Léon Bourgeois (France) speaks in French in these terms:—

"I am deeply grateful to the President of the French Council of Ministers for having done me the distinguished honour of entrusting to me the task of speaking in the name of France. Recollections of the Conference of the Hague have probably led him to this choice; the honour therefore belongs to the very numerous colleagues present here with whom I collaborated in 1899 and 1907.

"President Wilson has just eloquently and finally said that we do not, that you, Gentlemen, do not represent governments alone, but peoples. What do the peoples wish to-day, and what, therefore, do the governments wish who are really free, really representative, really democratic, that is to say, those whose wishes are necessarily in agreement with those of their peoples? They wish that what we have seen during these four horrible years shall never be repeated in this world. Their wishes are the wishes of all the victims of this war, of all those who have breathed their last for liberty and for right. Those men fought not only to defend their country, but came together from all parts of the world for this crusade of which President Wilson so rightly spoke, and they knew that they died not only for France, but for universal freedom and universal peace. For universal peace: the Premier of England has just described with striking eloquence the picture of ruin and desolation which he has seen. That ruin, that desolation we ourselves

have witnessed, and you have seen them very far from the spot where hostilities began. For, in fact, henceforth no local conflict can be confined to some one part of the world; whatever may be the State where the difficulty arose, believe me, it is the whole world that is in danger. There is such an interdependence in all the relations between nations in the economic, financial, moral and intellectual spheres that, I repeat, every wound inflicted at some point threatens to poison the whole organism.

"There is another reason why it is impossible that humanity should again witness such spectacles. President Wilson has just alluded to the alarming progress of science, turned from its proper object, which is continually to give to mankind greater well being, a surer moral, more hope for the future, and which was used for the most terrible and miserable of purposes—the purpose of destruction. Now science daily makes fresh progress and fresh conquest; daily it perfects its means of action and, in the light of what we have seen during these last five years in the way of terrible and destructive improvements in machinery and gunnery, think of the fresh destruction with which we might be threatened in a few years.

"We have, then, the right to face a problem of conscience which thrills us all, that is what we are to do to reconcile the special interests of our peoples, which we cannot forget, with those of our common country—all humanity.

"We must take council with ourselves and ponder that saying which I deem as a sublime truth, that among all the vital interests which we can consider, there is one which is above and includes all others, one without the defence and protection of which all the others are in danger—the interest of the common country.

"Speaking of tragedy of conscience, I remember the scruples which, at the Conference of the Hague, held back the representatives of even the freest peoples, the peoples most imbued with the sense of democracy and most resolved to prepare the way of peace. They said to themselves: 'We must nevertheless reserve questions of our honour and our vital interests.' Perhaps it was this which delayed the creation of that bond which will unite us from to-day. We know now that there is one vital interest which we have before all to consider and defend. That is the interest

of universal peace founded on right, without which none of the most vital interests of our several countries, great or small, would be free from menace and destruction.

"How can we succeed in making a reality of that which but a few years ago was still thought to be a dream? How is it that this dream now appears as an imminent fact in the mind of the statesmen present here, realists whose right and duty it is not to let themselves be carried away by ideals of generosity, however attractive they may be? Why is it that to-day these statesmen are sitting round this table inspired with a common thought? For doubtless you will presently adopt unanimously the proposals which will be made to you. How is it that these statesmen, these realists, can come to consider as a tangible thing, realisable in a short time, that which formerly appeared a dream? Looking back at the history of the last thirty years, particularly to that Conference at the Hague, for reverting to which I beg your pardon, we see that if it did not produce all the results expected from it, it nevertheless produced a certain number. Members of the different Governments will remember that the institutions set up by the Hague Conference thrice proved effective, and that in differences—I will not use a stronger term—which might have disturbed the relation between the different States, the judgments of the Hague succeeded in smoothing away difficulties and re-establishing harmony. I may even recall that between France and Germany there was a conflict—the Affair of Casablanca—which might have been very serious and not for those two countries alone, for, as I was saying, local conflicts sometimes become general,—where recourse to arbitration completely safeguarded the honour of France and made it possible for Germany not to draw the sword.

"Why is it that this could not last, or rather, why is it that the institutions of the Hague failed to prevent the terrible conflicts from which we are just emerging? There are two reasons—and within the next few days you will sweep away one of them. The Conferences at the Hague were attended by the representatives of many States, but even those who were inspired by real good will were forced to recognize that on the map of the world the frontiers of different countries were not what they should have been. While we were deliberating there we Frenchmen could not forget that there was a part of France which was not free,

and you, representatives of the Kingdom of Italy, could not forget that there were still Italian provinces outside Italian law. How could you expect an international organisation, however perfect, to prove really effective if, when it began to work, it met this terrible question of irredentism, as our Italian friends call it, national claims, as we say, just as one's foot meets an obstacle on the road?

"You will bring about the situation in which the facts conform to the principles of right. You will draw frontiers which correspond to the wishes of the peoples themselves, and you will give to each country the limits which right itself would give it. You will also impose obligations which it was beyond our power to impose, for, as you will remember—it was historically a very significant fact—how the different States grouped themselves, and we have now seen those who voted against us then join against us on the field of battle. The foes of right were already leagued together against us.

"You who have fought for right are about to set up an organisation, to impose penalties and to ensure their enforcement. Having established compulsory arbitration, having fixed—methodically, progressively and surely—the penalties to be imposed for disobedience to the common will of civilised nations you will be able to make your work solid and lasting and enter with confidence and tranquillity the Temple of Peace.

"This is not the moment to discuss ways and means, but I hasten to say, in the name of the Government of the French Republic, that to do all that can be done to lead the free peoples as far as possible on the road to agreement must be our aim and wish. In addition to juridical methods designed to establish the reign of right and to ensure the freedom of all, we shall certainly adopt—and here I turn towards the Italian Prime Minister, who just said: "It is co-operation in the work of peace"—all the measures required for co-operations between States in relation to those numberless interests the interdependence of which I mentioned just now. This interdependence becomes daily closer. It will not only be a question of checking nascent conflicts but of preventing their birth.

"I think that, even without any further statement, I have thus correctly interpreted the general feeling. It is enough for me to have shown with what deep enthusiasm

France joins those who but lately proposed the creation of the League of Nations. President Wilson said that this question was at the very heart of mankind. That is true. He said we must constantly have an eye open on humanity, a watchful eye that never shuts. Well, I will end by recalling another memory of the Hague. It has been said that we heard there the first heart-beats of Humanity. Now it lives, indeed, thanks to you. May it live for ever!"

Mr. Hughes (Australia) having asked whether it will be possible to discuss the scheme when it is complete, the President replies that the members of the Conference would be quite at liberty to do so.

The President calls successively on the Delegates of various Powers, who, speaking in French, support the draft resolution in these terms:

Mr. Lou (China): In the name of the Chinese Government I have the honour to support wholeheartedly the proposed resolution. China, always faithful to her obligations and deeply interested in the maintenance of the peace of the world, associates herself entirely with the lofty ideal embodied in the resolution, which is that of creating an international co-operation which would insure the accomplishment of obligations contracted and will give safeguards against war. I am glad to give an assurance to this Conference that the Chinese Republic will always have the keenest desire to consult with the other States in the establishment of a League which will give all nations, both small and great, an effective guarantee of their territorial integrity, of their political sovereignty, and of their economic independence founded upon an impartial justice.

Mr. Dmowski (Poland): I rise not only to support the draft resolution but to express deep gratitude for this noble initiative. I do so not only as representing a part of mankind which has suffered no less than those who have suffered most and which cherishes the hope that such sufferings will never be repeated and that what this

war has not destroyed will be preserved for the peaceful generations of the future.

I do so also as representing a country placed in that part of the world where sources of danger to future peace are greater than elsewhere, where to-day after the conclusion of the armistice war continues, as representing the country which at this moment is exposed on three sides to danger and is forced to make war on three fronts. If we have an institution like that which is proposed to-day, such as would give international guarantees of peace, we should not be in this dangerous situation.

I express my gratitude in the name of a country which, perhaps more than all others, needs international guarantees of peace and which will greet a League of Nations with the greatest enthusiasm.

Mr. Hymans (Belgium) : Gentlemen, I have not asked leave to speak in order to discuss the ideas expressed in the draft resolution, which the Belgian Delegation of course accepts wholeheartedly, and which have been so nobly set forth in this Assembly. I have asked to speak only on a practical question which is, I think, of general interest.

The Conference to-day is organising its methods of work and procedure. I should like to ask for an explanation of the last sentence of the draft resolution relative to the representation of the Powers on the Commission appointed to examine the draft constitution of the League of Nations. The draft says that the Conference appoints a Commission representing the Associated Governments to work out the constitution in detail and to settle the functions of the League.

The President replies to Mr. Hymans that the explanation which he is about to furnish will doubtless give him satisfaction.

As nobody asks leave to speak on the subject of a resolution on the League of Nations, which has been submitted to the Conference by the Bureau, that resolution is unanimously adopted.

The President then replies to the question raised by the Hon. Minister of Foreign Affairs of Belgium, on the method of appointment of the Commission charged with the duty of working out the draft constitution of the League of Nations.

The Great Powers, in accordance with the motion, have designated two Delegates each to serve on the Commission. It has been decided that five Delegates to be chosen in common by the other Powers should represent those Powers on the Commission. That is to say, that you are asked to meet here, say, on the 27th January, if that day suits you, at 2 or 3 o'clock, to come to an agreement among yourselves and appoint the five Delegates of the other Powers.

I ought to tell you that we shall ask you to agree to the same course as regards the appointment of other Commissions. You will therefore have several elections to hold at the same time.

On this question of the appointment of the Commission, the Delegates of a certain number of Powers ask leave to speak and explain in turn the views of their respective countries. All speak in French except Sir Robert Borden (Canada) and Phya Bibadh Kosha (Siam).

Mr. Hymans (Belgium): The reply which the Hon. President has been so good as to make to me raises the question of the constitution of all the commissions which will be appointed to-day. That will allow me, I think, to define my views on the whole question, which I will do very quickly.

Excepting the case of the Commission appointed to examine the question of reparation for the damage of the war, the general system, according to the President, is to give two Delegates to each of the Great Powers, which allows them 10 Delegates, and five Delegates in all to a group or collection formed of 19 Powers who have been classed among the Powers ingeniously termed "Powers with special interests."

I do not wish to speak in the name of the Delegates of other countries, but I will speak only in that of my own and in that of the Belgian Delegation.

As an exceptional measure we, like Serbia, Greece, Poland, and Roumania, have been given two Delegates—two to each of these Powers on the Commission appointed to examine the question of reparation for the damage of the war. Apart from this Commission, the 19 Powers “with special interests” have to appoint in common by a system hitherto unexplained, which they will have to discover, five Delegates. It is not stated whether this will be done by proportional representation or otherwise.

We Belgians will beg leave to present to the Conference the following request:—

First, as regards the Commission to examine the constitution of the League of Nations and, next, the Commission appointed to examine international legislation on labour. We should wish the Conference to be so good as to grant to Belgium two Delegates on each of these two Commissions.

As regards the Commission for the establishment of the League of Nations, we think that we have a right to this on account of our international, political, and even geographical position, which has exposed us, and may again expose us in the future, to serious danger.

As regards the question of international labour legislation there is nothing that could interest us more. Belgium, small in extent, counts among the great commercial producing and industrial powers of the world—she counted among them and I hope she will again count among them in a short time, after her reconstruction.

I will not tire the Conference by quoting figures, but we are in that respect among the five or six foremost Powers; we have a large industrial population. In certain departments we are among the

very first. I will mention only the coal and zinc industries and the production and casting of iron. I will not labour the points.

I think it would be just to give to Belgium a double representation on the two Commissions I have mentioned, that is, two Delegates.

There remain three Commissions: one dealing with the control of ports and ways of communication, another which will deal with crimes committed during the war and with the penalty to be inflicted for those crimes, and the third dealing with reparation. But in this last-named Commission we think we are fairly well represented. There remain therefore only two: that on ports, waterways and railways, and that on crimes committed during the war and the penalties which those crimes deserve.

I ask that it should at once be recognized that Belgium shall have a Delegate on each of these two Commissions, and in doing so I do not think that I am asking more than is reasonable. Belgium possesses one of the three most important ports on the European Continent. She has a network of railways which is the densest in Europe. Owing to the needs of her production and trades she is directly interested in the whole system of international communications. It is certainly not exaggerated to ask that for the examination of so grave a problem Belgium should have a Delegate, and I ask the Conference to decide in this sense.

As regards the question of crimes committed during the war and the penalties to be exacted for them, who could deny that we have an absolute right to be represented on the Commission, when our country was the first to be invaded, the first to be submerged by invasion, when her neutrality was violated in spite of the treaty signed by the enemy, and when some of the most abominable crimes with which the enemy can be reproached were committed on our soil as also on Serbian soil? I think, then, there is nothing excessive in our demand.

I speak only for ourselves. I do not wish to prejudice the rights

and interests of any other country. I do not think I shall arouse their susceptibilities when I state this claim in the name of the Belgian Delegation alone.

To sum up, I ask that, as in the case of the Commission on damage caused during the war, Belgium should have two Delegates on the Commission for the establishment of the League of Nations, two Delegates on the Commission on international labour legislation, one Delegate on the Commission relative to the control of ports, and one Delegate on the Commission for the examination of crimes committed by the enemy and of the penalties to be exacted for them.

I appeal to the sense of justice of the Great Powers and to that of the President of the Conference.

Mr. Calogeras (Brazil): It is with some surprise that I constantly hear it said: "This has been decided, that has been decided." Who has taken a decision? We are a sovereign assembly, a sovereign court. It seems to me that the proper body to take a decision is the Conference itself.

Now, it appears from what has been said that functions have been allotted and that representation on the Commissions is contemplated without certain very important interests having been able to obtain a hearing. It is unnecessary to say that I cordially adhere to the principle of a League of Nations. I have the honour to represent a country which in its constitution absolutely forbids, in express terms, the waging of a war of conquest. This is an idea of long standing with us, firmly rooted in our traditions. I am therefore heartily in favour of the idea of a League of Nations.

But if, on the other hand, I consider the proposed organisation of the conditions and the manner in which the interests of my country may be represented thereon, I must point out that we have laws, I may even say texts, of a constitutional character, which do not permit us to give to anybody powers to represent us.

I therefore appeal to the sense of justice of the President and of the members of the Bureau of this Conference. I ask them that, at least on the Commission which will deal with the League of Nations as well as on those which are to examine international control of railways and ports and reparation for damage, Brazil should enjoy the representation to which she considers herself entitled.

Sir Robert Borden (Canada) : I have a great deal of sympathy with the point of view of the smaller nations, because possibly the constitution of the League affects them even more closely than it affects the status of the Great Powers of the world. On the other hand, I realize that there must be a reasonable limitation of the membership of the Committee; otherwise it would be very difficult to carry on the work in an effective way. And I remember, also, that after this Committee has made its report, its conclusions must be submitted to this Conference, and must be approved by it before they can go into effect. But I do feel that the matter has been placed before this Conference in perhaps not the most appropriate way. We are told that certain decisions have been reached. The result of that is that everyone of us asks: "By whom have those decisions been reached, and by what authority?"

I should have thought it more appropriate to submit a recommendation to this Conference, and to have the Conference itself settle the number to be appointed, and who they are to be. If that course had been taken, it seems probable that most of the difficulty which had arisen would not have presented itself. And I should like to suggest, with all due respect, that perhaps that would be a more appropriate method of dealing with such matters in the future. Certain regulations have been formulated and passed by which, as I understand, two Conferences were established—one a Conference of the Five Great Powers, and another which may be called the full or plenary Conference. I do not understand that, up to the present time, there has been any Conference of the Five

Great Powers in accordance with the regulations thus adopted, it may be that is, and I have no doubt it is, with the best intention; but nevertheless, as we are acting under regulations adopted by the representatives of the Five Great Powers, it seems highly desirable that we should abide by them. Therefore, I again suggest, with all respect, that the proceedings in the future should be guided by those regulations.

Mr. Trumbitch (Serbia): I have the honour to declare, in the name of the Delegation of the Kingdom of the Serbs, Croats, and Slovenes, that we support the entirely just proposal of my honourable friend Mr. Hymans. At the same time, I have the honour to ask that the same representation may be given to the Delegation to which I belong as to the Belgian Delegation.

It is not necessary for me to retain the attention of this high assembly to justify the desire which I have expressed, for the reasons just now put forward by Mr. Hymans are almost the same as those which justify our proposal.

Mr. Veniselos (Greece): As regards the League of Nations, I associate myself with the request put forward by the Belgian Delegation, without, however, asking that Greece should receive the same treatment. I recognise that all small countries are deeply interested in the study of this question, but I must admit also that the situation of Belgium is entirely a special one by reason of her proximity to the German Empire, which started this war, and for the other reasons given by Mr. Hymans.

I therefore do not ask that my country should be specially represented on this Commission, and confine myself to declaring that I hold myself at the disposal of the Commission when it is appointed in order to make known my ideas on the subject.

As regards reparation for damage, I must thank the representatives of the Great Powers for the representation which they have granted to my country.

As regards the responsibility of the authors of the war, I ask that Greece may also be given a representative, in view of the fact that we have to deplore the loss of between three and four hundred thousand people of Greek race in the Ottoman Empire. It would, therefore, appear to be just that we should be represented in order that we may be able to submit to the Commission and then to the Conference our special point of view on this question.

I do not ask that my country should be specially represented on the Commission relating to international legislation on labour, for other nations are perhaps more interested than ourselves in this question.

It would be well, finally, that we should be granted a representative on the Commission for the international control of ports, not only on account of the maritime importance of my country, and of the special interest which it has in this question, but also because of the fact that even in the present territory of Greece there are certain places which might come within the purview of this part of the programme of the Conference. It would, therefore, be just that Greece should in this respect be authorized to make known her wishes.

I think it right to remind the assembly in conclusion that in the report that I have the honour to submit to the Conference concerning the territorial claims of my country, I declared myself ready to agree that countries bordering on the sea should give all possible facilities to countries placed behind them which have not such easy access to the sea.

Count Penha Garcia (Portugal): You will allow me to make some observations on a question which interests small and Great Powers alike. First, I draw your attention to an essential fact which is moreover the corollary of all the noble speeches which this assembly has just heard.

It is certain that the League of Nations, a question of such

great importance raised by the Great Powers and interesting the weaker countries in so high a degree, must inspire confidence as regards the future, particularly among the latter. It is likewise certain that respect for our rights, the decisions which we shall be called upon to take and the cordiality of our relations within this Assembly will constitute a kind of foretaste of that League of Nations which we have just been invited to join. I feel certain that this consideration will guide the proposals of the Great Powers and that our decisions will be inspired by the lofty view and the spirit of high justice which should preside over the League of Nations.

We must not, however, exaggerate the importance of the question of representation on the Commissions, for that, after all, only concerns a method of work, and those who propose this method meant well in doing so, because it offers indisputable advantages.

It is true that large Commissions are more difficult to direct and that their work is sometimes rather slow, but we must not forget that the work of these Commissions must be of such importance to each of the countries interested that perhaps in reality it is worth running the risk which we are now seeking to avoid. Perhaps it would be better so to arrange that in each Commission all interests should be represented and made known so that we may attain, doubtless more slowly, a surer result, which will enable us to come with more precise ideas and less unprepared to the plenary sessions.

I will especially draw the attention of the President, whose qualities of heart and whose fairness constitute for us a twofold guarantee, to this point, of the importance of which for my country he has certainly not lost sight.

As regards the Commission on reparation, the non-representation of Portugal is certainly due to an oversight, since other countries having special interests in this respect are all represented thereon, a fact which, I may say, affords me great satisfaction. I pay homage to the sufferings and endurance of so many countries

which have been the victims of an aggression the brutality of which has excited universal indignation.

I beg leave, however, to point out that the position of Portugal is absolutely the same, that we have shed our blood in France for the cause of right and justice, that our territories in Africa have been invaded, that we are half, I might indeed say completely, ruined by our effort in the war. We do not regret this. But why, then, should we not be heard, why should we not also be represented on the Commission appointed to consider the question of reparation? Once again I must observe this seems to me to be an oversight.

As regards the other Commissions, those relating to the control of ports, to the League of Nations, to labour questions and to penalties for responsibility for the war, are also of unquestionable interest to Portugal, but, generally speaking, I request the Bureau to be so good as to accede to the legitimate desire of all countries represented at the Conference to be able to make their voices heard whenever they have a special interest to defend and to be represented on the Commissions. I ask that all these countries may be placed on the same footing as the others where their rights are affected.

Mr. Benes (Czecho-Slovak Republic): Without entering into detail in regard to the question of the nomination of representatives on the Commissions, I beg leave to submit the following considerations to the Conference:

The Czecho-Slovak Delegation ask to be represented on the Commissions appointed to examine the questions of reparation and of the responsibility of the Central Empires. We base this proposal on the following grounds:

The Czecho-Slovak Republic is especially interested in all questions concerning the financial and economic liquidation of the former Austro-Hungarian Empire; for its territory formed the most industrial region of that monarchy. It would therefore be impossible

to settle these questions without allowing us to bring forward such information on the subject as we possess.

Our Delegation also has a special interest in the question of international railways and waterways. Our country has in fact no access to the sea, and it is extremely important for our future international position to know how these great channels of communication will be controlled, and especially to take part in the discussion relating to the control of international railways, waterways and ports. Therefore we ask to be represented on the Commission instructed to examine these questions.

The question of the League of Nations being also of the highest interest to countries surrounded, like ours, by Powers who have always been hostile to them, we ask that we may be granted a representative on the Commission concerned.

To sum up, we beg the Conference to grant us a representative on each one of the three Commissions called upon to discuss questions of special interest to our Republic.

Mr. Bratiano (Roumania): The Belgian representative, although professing only to speak on behalf of the special interests of Belgium, has raised a question of principle which Roumania has far too much at heart to allow her to refrain from expressing agreement with his point of view.

I wish for the moment to confine myself to drawing attention to the importance of these principles to States like Roumania without entering into the details of each of the questions which, I hope, will be treated fully in a subsequent discussion. I will, however, point out, in passing, with regard to one of these questions (that of international ways of communications), that Roumania is at the mouth of the Danube, a great river which affects the communication of a great part of Europe, and that she has therefore very special interests in it.

I do not, however, wish to lose sight of the fact that at this

moment the League of Nations is in question, and that it would be poor evidence of the interest felt by Roumania in the formation of this League if I did not contribute to the explanations made by those representatives of other countries who have already spoken. It is certain that, in the representation of such a League, the relative strength of each State has been kept in view, and it would be just to consider at the same time the interests which lead each State to favour the formation of this League, when it might perhaps be found that small States have more interest in it than great ones.

In settling the representation of the League both of these points of view must be kept in mind.

It is to express the interest which Roumania feels in the principles of this League that she asks to be represented on this Commission.

Phya Bibadh Kosha (Siam) : May I be permitted, in the name of the Siamese Delegation, to ask whether representation may be afforded to those countries who have the misfortune to be without it, and, as a Delegate of one of those nations, to ask whether we have the right and opportunity to attend the proceedings of each Commission dealing with matters directly of interest to the country which they represent, such as a League of Nations and the international control of ports, railways, and waterways?

Mr. Lou (China) : I also desire to appeal to the spirit of equity of the members of the Conference, so that technical Delegates may largely participate in the different work on the Commissions.

The desire has already been expressed, as to representation by Delegates, that the principle of equality among States be the basis of the League of Nations. I also expressed the desire to see the Delegation of China represented in the Commissions on labour legislation and on means of communication. In fact, China during the war has sent over to France nearly 150,000 Chinese labourers, of whom nearly 120,000 were in the British camps. All these

labourers have indirectly contributed to the happy issue of the present war.

On the other hand, China has a very large coastline, and her railways, which connect her with the three big neighbouring Powers, will have considerable development after the war.

It is for these reasons that I ask for the representation of the Chinese Delegation on the two Commissions I have indicated.

I may perhaps make a suggestion. I have heard my honourable colleague, who represents Brazil, saying: "The Conference decided this, the Conference decided that." I personally have had the experience of two Peace Conferences, as Mr. Léon Bourgeois kindly remarked a moment ago: I think that the present Conference will make its work much more interesting if it will concentrate the efforts of the two former ones, which have established a panel of Delegates from which each Delegation interested in any one particular question could select one or two members for the working of the Commission. That is a suggestion I beg to propose to this Conference.

Mr. Dmowski (Poland): In view of the extent of the territory of Poland, the size of the population, and the economic development of the country, and in view also of her political interests and her very important geographical position, I am of opinion that she should have the right to send a Delegate to all such Commissions as she may think fit.

I rise to associate myself with those members present who have opposed the method whereby it is proposed to choose these five Delegates for Powers with special interests. The large number of voices which have been raised shows that the task of assembling the Delegates of the secondary Powers would be very difficult, that the discussion between them would, firstly, involve much loss of time and, secondly, would not tend towards harmony among them. I beg leave to propose that each Delegation should draw up a written

statement of its case in making a demand for the number of representatives whom it wishes to send to each Commission. I would likewise propose that there should be a Commission above all the others to decide finally on the composition of each of them. We would accept its decisions in advance, being convinced that it would seriously consider the interests of all the Powers whatever they may be.

The President, speaking in French, replies to the observations and suggestions of the Delegates, in a speech of which the following is a translation:—

“As nobody else wishes to speak, I shall speak in my turn in order to try to justify the Bureau. It requires this, for if it had ever flattered itself that it could satisfy everybody, it would by now be thoroughly disillusioned.

“Sir Robert Borden has reproached us, though in a very friendly way, for having come to a decision. Well, we have decided, as regards the Commissions, in the same way as we decided to summon the present Conference. With your permission I will remind you that it was we who decided that there should be a Conference at Paris, and that the representatives of the countries interested should be summoned to attend it. I make no mystery of it—there is a Conference of the Great Powers going on in the next room. Sir Robert Borden has the less reason to be unaware of it since he yesterday did us the signal honour of making a statement before us on questions concerning the British Colonies.

“The Five Great Powers whose action has to be justified before you to-day are in a position to justify it. The British Prime Minister just now reminded me that on the day when the war ceased the Allies had 12,000,000 men fighting on various fronts. This entitles them to consideration.

“We have had dead, we have wounded in millions, and if we had not kept before us the great question of the League of Nations we might perhaps have been selfish enough to consult only each other. It was our right.

“We did not wish to do this, and we summoned all the nations interested. We summoned them, not to impose our will upon them, not to make them do what they do not wish,

but to ask them for their help. That is why we invited them to come here. But we still have to see how this help can best be used.

"A few days ago Mr. Lloyd George was cruel enough to remind me that I was no longer very young. I entered Parliament for the first time in 1871. I have seen many committees and commissions and attended many meetings, and I have noticed—as most of you have perhaps also noticed—that the larger the committees are the less chance they have of doing any work.

"Now, Gentlemen, let me tell you that behind us is something very great, very august, and at times very imperious, something which is called public opinion. It will not ask us whether such and such a State was represented on such and such a commission. That interests nobody. It will ask us for results, ask us what we have done for the League of Nations so eloquently championed to-day by President Wilson, Mr. Lloyd George, Mr. Bourgeois and Mr. Orlando.

"What crime have we committed? We have decided that, for our part, we would appoint two Delegates each on the Commission on the League of Nations. I would beg Mr. Hymans and all those who followed him to let me keep to the point. As soon as I indulgently allowed him to wander from it, as soon as the door was opened, everybody rushed in and discussed everything except the subject under discussion. It is my duty to guide the Conference in its work in order to obtain a result.

"We have therefore decided to appoint two Delegates each, and then—may I be pardoned for it—we have decided to ask you to appoint five Delegates in common.

"If you do not think this enough, I will not take the responsibility of choosing from among you all, since each asks for more representation, but I will make a proposal: Choose all of us, so that everybody will at least have his rights.

"What is the complaint? Has any right been denied to any Power? You all know how committees work, and you have the right to go before any committee you like. Mr. Bourgeois, who is here, is not a plenipotentiary. He spoke with the authority to which he is entitled, and you were glad to hear him. I have heard Mr. Veniselos and many of you say: 'Our voice will not be heard.' How can you

level such a reproach at us? Your voice will be all the better heard, because we are now arranging a means by which we can listen to each other. You can be heard on all the commissions and committees, and, after all, are you not sure that your voice will reach the Conference, since you yourselves will be present and able to speak there?

"Think, Gentlemen, of the consequences of the proposals now made to us. As Mr. Dmowski said just now, requests will be made in writing, and we shall collect these papers and then spend an hour or two in our committee trying to find the best way out of these difficulties. But that is of no use either, for what we want is tangible results. The armistice still keeps many millions of men at the front. It is not questions of procedure, but essential ones, that have to be decided. I ask all of you to consider the consequences of the proposals which come to us from all parts of this Assembly. If to-day we leave aside the essential question to indulge in debates in procedure, I think I am safe in saying that at the end of a week or even of a fortnight nothing will have been settled and the essential question will not even have been examined.

"Now, the public is waiting. This state of things appears to me impossible. I join Mr. Dmowski in asking anybody having observations to make to send them to the Bureau. But I do not ask for a special committee to decide the matter.

"Why should I not say what I think? I do not see that the committee has the right to impose its will upon these five Powers. At least I say what I think. I want to get on, and I should very much like you to make up your minds to-day.

"Let me make a suggestion which might suit everybody for the time. You might vote on all the proposals which we put before you to-day, reserving the right, which all Assemblies have, to insert amendments. But, Gentlemen, do not let us go home to-day without having voted decisively, so that President Wilson, Mr. Bourgeois, Lord Robert Cecil, and all of them, may be able to get to work this evening and the Commissions to start from to-morrow. My aim and that of my colleagues of the other Powers is to organise Commissions as soon as possible so as to give them work. All those of you who wish to appear before them will do so. Anybody who wants changes will ask for them. As

proposed by Mr. Dmowski, they will be examined and reported on. In this way we shall at least have the advantage of beginning work at once.

"We propose to you to appoint a certain number of Commissions. There will be two—one economic and the other financial—to be appointed at the next Session, after which all the Commissions will be working, the order of the day can be satisfactorily dealt with, and effective discussion begun.

"I beg your pardon, Gentlemen, for having spoken at such length, but all that I have said appeared to me necessary. Think of the immense work awaiting us. Just think of it! As President Wilson just now said, in an admirable sentence which sums up the whole question: 'We, like our Armies, wish to win, not only the war, but a cause.' We have the burden and responsibility of this cause in our hands. Of course, questions of procedure have their importance, too. They will be settled in due course. If the number of Commissions proves insufficient it can be increased—we leave you quite free in that respect—but remember, Gentlemen, the larger the Commissions the less gets done.

"Gentlemen, since I began to take part in these discussions I have sacrificed a certain number of personal opinions. I have done this cheerfully, feeling that I was doing something good and useful for the common cause. That was what I said to myself just now on hearing the noble words of President Wilson and Mr. Lloyd George.

"Let all of us, Gentlemen, be animated by the same spirit. The Bureau never wished to hurt anybody at all. On the contrary, it would like to unite you all in one group. Let us, then, start work at once, and in the meantime claims will be presented and your Bureau able to start work."

Mr. Hymans (Belgium) declares that he will say no more for fear of justifying the reproaches of the President of the Conference, and confines himself to the following observations:—

"I simply propose that the Conference should vote on the resolutions which have been submitted to it. The Bureau has heard the observations which have been made in this Assembly. As I said just now, I have confidence in its justice, and I ask it to pay attention to those observations, to revise the composition of the Commissions, and decide."

Mr. Klotz (France) lays on the table of the Conference, for reference to the Commission which has just been appointed, a draft proposal for a financial section of the League of Nations.

The President submits to the Conference resolutions relative to the appointment of the four other Commissions for which provision is made in the order of the day, and for which the Powers with special interests have to name their Delegates.

He recalls the fact that the second Commission has to examine the responsibility of the authors of the war and the enforcement of penalties (Annex 2), and that the small Powers have to choose five representatives on this Commission.

In reply to an observation made by *Mr. Calogeras* (Brazil) on the subject of the number of representatives allotted to his country, the President points out that Brazil has no reason to complain of the number of Delegates allowed to her, and that it does not follow that because a country is not represented on a Commission it has not the same rights as those who are.

On the third Commission, which will consider the question of reparation for damages (Annex 3), Belgium, Greece, Poland, Roumania, and Serbia are asked to appoint two representatives each.

With regard to the text of the resolution relative to this Commission, *Mr. Klotz* (France) observes that there appears to be an important omission in it. It says that this Commission will have to examine various questions: (1) the amount of reparation which the enemy Powers ought to pay; (2) their capacity for payment; (3) by what method, in what form, and within what time this payment must be made. To this last paragraph it will be well to add: "And the guarantees necessary to insure payment."

The amendment proposed by *Mr. Klotz* is referred to the Bureau for examination.

On the fourth (International Legislation on Labour—Annex 4) and fifth (International Control of Ports, Waterways, and Rail-

ways—Annex 5) Commissions, the Powers with special interests will for the time appoint five Delegates.

The President proposes that these appointments shall be made on the 27th January.

Mr. Hymans (Belgium) having asked that the Secretariat should examine the question and arrive at a decision regarding the number of representatives to be appointed, the President replies that the question is one for the Bureau, and not for the Secretariat. He adds:

I ask that the Bureau should retain its liberty of action. If you do not wish to name your Delegates now, but would rather wait, so be it, but, let me tell you, at this moment we are occupied with serious questions. The Polish question is among the foremost. On Monday we have to hear Delegates. If you ask for the postponement of the election it will be postponed, but I must tell you that the Delegates of the Great Powers, for their part, will not consider themselves to have been postponed and nobody will gain anything.

As for us, we think that our work is urgent, and we ask the help of the whole Conference to assist us to get through it.

Mr. Hymans (Belgium) expresses agreement, and asks for the judgment of the Bureau, whose decision will be awaited.

Mr. Bratiano (Roumania) recognizes that everybody is willing to meet on the 27th January for the purpose of naming Delegates, who will be able to begin work at once now that it is possible to examine questions of principle.

The President puts to the vote the proposal of the Bureau: That the Delegates of the Powers with special interests should meet on the 27th January at 15 o'clock (3 p.m.) to elect representatives.

This proposal is adopted.

See Annex 6 for the Minutes of the Session of the 27th January, and Annex 7 for the list of the members of the five Commissions.

The President asks those members of the Conference who have

declarations to make regarding the Delegates to be so good as to present them to the Bureau.

The session is adjourned at 18.10 o'clock (6.10 p.m.).

G. CLEMENCEAU,
President.

P. DUTASTA, *Secretary-General.*

J. C. GREW, M. P. A. HANKEY, PAUL GAUTHIER, ALDROVANDI, SADAO SABURI,	}	<i>Secretaries.</i>
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Annexes to Protocol No. 2.

ANNEX 1.

Draft Resolution relative to the League of Nations.

The Conference, having considered the proposals for the creation of a League of Nations, resolves that—

1. It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international co-operation, to insure the fulfilment of accepted international obligations and to provide safeguards against war.
2. This League should be treated as an integral part of the general Treaty of Peace, and should be open to every civilised nation which can be relied on to promote its objects.
3. The members of the League should periodically meet in international conference, and should have a permanent organisation and secretariat to carry on the business of the League in the intervals between the conferences.

The Conference therefore appoints a Committee representative of the Associated Governments to work out the details of the constitution and functions of the League.

January 25, 1919.

ANNEX 2.

Draft Resolution relative to the Responsibility of the Authors of the War and the Enforcement of Penalties.

That a Commission, composed of two representatives apiece from the Five Great Powers and five representatives to be elected by the other Powers, be appointed to enquire into and report upon the following:—

1. The responsibility of the authors of the war.
2. The facts as to breaches of the customs of law committed by the forces of the German Empire and their Allies on land, on sea and in the air during the present war.
3. The degree of responsibility for these offences attaching to particular members of the enemy forces, including members of the General Staffs and other individuals, however highly placed.
4. The constitution and procedure of a Tribunal appropriate to the trial of these offences.
5. Any other matters cognate or ancillary to the above which may arise in the course of the enquiry and which the Commission finds it useful and relevant to take into consideration.

January 25, 1919.

ANNEX 3.

Draft Resolution relative to Reparation for Damage.

That a Commission be appointed with not more than three representatives apiece from each of the Five Great Powers and not more than two representatives apiece from Belgium, Greece, Poland, Roumania and Serbia, to examine and report:—

1. On the amount which the enemy countries ought to pay by way of reparation.
2. On what they are capable of paying; and
3. By what method, in what form and within what time payment should be made.

January 25, 1919.

ANNEX 4.

Draft Resolution on International Legislation on Labour.

That a Commission, composed of two representatives apiece from the Five Great Powers and five representatives to be elected by the other Powers represented at the Peace Conference, be appointed to enquire into the conditions of employment from the international aspect and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such enquiry and consideration in co-operation with and under the direction of the League of Nations.

January 25, 1919.

ANNEX 5.

Draft Resolution relative to International Control of Ports, Waterways and Railways.

That a Commission, composed of two representatives apiece from the Five Great Powers and five representatives to be elected by the other Powers, be appointed to enquire into and report on:—

International control^a of ports, waterways, and railways.

January 25, 1919.

ANNEX 6.*Minutes of the Meeting held by the Representatives of Powers with Special Interests, January 27, 1919.*

The Session is opened at 15 o'clock (3 p.m.) under the Presidency of Mr. Jules Cambon, French Delegate, President.

Present:—

For Belgium:

Mr. Hymans,
Mr. Van den Heuvel,
Mr. Vandervelde.

For Bolivia:

Mr. Ismaël Montes.

For Brazil:

Mr. Olyntho de Magalhaes,
Mr. Pandia Calogeras.

For China:

Mr. Lou Tseng Tsiang,
Mr. Sunthou Wei, Envoy Extraordinary and Minister Plenipotentiary of China at Brussels.

a. Note by D. H. M. This word should be "régime."

For Cuba:

Mr. Rafael Martinez Ortiz.

For Ecuador:

Mr. Dorn y de Alsua.

For Greece:

Mr. Nicolas Politis.

Mr. Athos Romanos, Envoy Extraordinary and
Minister Plenipotentiary of H.M. The King of
the Hellenes at Paris, Technical Delegate.

For Haiti:

Mr. Tertullien Guilbaud, Envoy Extraordinary and
Minister Plenipotentiary of Haiti at Paris.

For The Hedjaz:

Mr. Rustem Haidar.

For Peru:

Mr. Francisco García Calderón.

For Poland:

Mr. Roman Dmowski.

For Portugal:

Dr. Egas Moniz,
The Count Penha Garcia.

For Roumania:

Mr. Jean J. C. Bratiano,
Mr. Nicolas Misu.

For Serbia:

Mr. Pashitch,
Mr. Trumbitch,
Mr. Vesnitch.

For Siam:

The Prince Charoon,
Phya Bibadh Kosha.

For the Czecho-Slovak Republic:

Mr. Charles Kramar,

Mr. Edouard Benes.

For Uruguay:

Mr. Juan Carlos Blanco.

The President sets forth in the following terms the object of the meeting:—

The President of the Conference has done me the honour of appointing me to preside over the meeting of the Delegates of the Powers with special interests which have to settle the names of their representatives on the different Commissions, the list of which has already been drawn up. Other Commissions will be appointed later on.

To-day you are summoned to express your views in regard to the composition of four Commissions.

I believe that all the members present speak or understand French; I therefore suggest that you should decide that no translation shall be made of the words pronounced here.

(The meeting, after consultation, assents to this proposal.)

So far as concerns the appointment of Delegates on the Commissions, the simplest plan appears to me to be to suspend the session in order that you may be able to come to an agreement among yourselves. We will open an examination of the lists when the session is resumed.

Mr. Kramar (Czecho-Slovak Republic) asks leave to speak in order to propose a compromise:—

I perfectly understand the idea which guided Mr. Clemenceau at the last session, when he said that it would be useless to have Commissions composed of too great a number of members. All those who, like him, have had experience of parliamentary affairs are convinced of this.

I hold the view, in accordance with this opinion, that the Com-

missions should be composed, in fact, of fifteen members. I ask, however, that an exception should be made in the case of one of them which seems to me to be of special importance. I mean the Commission on the League of Nations. I am well aware that nothing will be definitely decided in commission, but we all of us realise that, when a step has been accepted by a Commission, it is difficult for a contrary decision to be taken in plenary session.

Now, no injury could be caused to the idea of the League of Nations if the small Powers were represented on the Commission. For this reason, and since Mr. Clemenceau has publicly declared that number was not a sacred thing before which one has to bow, it has occurred to me that we might modify the number of Delegates on this important Commission. It would be possible to decide that it should be composed of twenty-five members: fifteen to represent the Great Powers and ten for the Powers with special interests. In this way it would be impossible for any kind of bitterness to remain in the minds of the Delegates of the last-named Powers.

The other Commissions would remain with their composition of fifteen members, ten for the Great Powers and five for the Powers with special interests.

Such is the arrangement which I desire to propose.

The President states that he takes note of the extremely interesting observations offered by Mr. Kramar, and adds:

You certainly remember that at the last plenary session the President of the Conference was at pains to observe that all Delegates who might desire to make their voices heard in the Commissions could do so as they wished.

At the present moment I do not think that we—for we represent here only a fraction of the Conference—can modify on our own authority that which has been decided by the Conference at its last session. The proposal which Mr. Kramar has just made can be referred to the next plenary session. To-day we could not deliberate in regard to it without exceeding the mandate which we

have to fulfil. The only thing which we have to do is to keep within the rules laid down for us by the Conference and to proceed to vote.

It would, in my opinion, be best to suspend the session in order that you may agree among yourselves on the choice which you wish to make.

Mr. Calogeras (Brazil), after seeking leave to speak, expresses himself as follows:

I desire in the first place, to congratulate this limited assembly on having at its head as President so illustrious a statesman as Mr. Jules Cambon. May I now be permitted to define certain questions?

Unless I am mistaken it was stated at the last plenary session of the Conference, as Mr. Kramar reminded us, that the composition of the Commissions in respect of numbers, was a settled matter.

It was likewise stated that all claims—justified ones, naturally—relating to an increase in the number of members of these Commissions, should be reserved for a later session.

I think I remember that certain claims have already been heard; it will at least be necessary for them to be examined.

It is clear that we cannot at this moment do more than what has been decided. It should, however, be well understood and perfectly clear that this is only a temporary solution until such time as a decision shall have been taken with regard to the question of increasing the number of members of the Commissions. I apologise for speaking at some length and I will attempt to summarise my observations.

I possess a certain experience of international conferences, having sat on several occasions as the representative of Brazil in Pan-American conferences. Now, my experience does not altogether accord with what has been said here. One is aware that in great parliamentary debates the majority, by its vote, compels the minority and, moreover, that commissions are not always models of efficiency: this we all know; I am myself a parliamentarian. However, in an Assembly like this one, which is an International Conference, where

neither majority nor minority exists, votes must be obtained by unanimity, because, as a final enforcement, you have the signature of the agreements whereby conventional laws are fixed.

There clearly exist certain difficulties in connection with publicity, the very great publicity which is, moreover, necessary to our discussions. In plenary session a question of human pride comes into play. A nation which has expressed itself in a certain sense cannot easily gainsay itself or reach a compromise; whereas, in Commissions where there is a far greater degree of intimacy, where discussions take place with greater heat but also with greater freedom, agreements are far easier and far simpler than when they are dependent on a vote to be obtained in the plenary Conference.

It is, moreover, manifest that one cannot require that, among so many representatives of different States, among so many mandatory bearers of diverse diplomatic instructions, one should obtain forthwith the agreement which is the indispensable preliminary of the needed solutions. By the very fact that publicity is much greater in plenary session, you will understand that any divergences of opinion, even those which may merely be ones of detail and devoid of really great importance, directly they appear soon acquire a much greater importance and produce an impression which might be unfavourable and, if I may say so, disastrous to the solutions which we wish to reach in harmony and by the free consent of the will of all concerned.

These are the reasons for which it seemed, and still seems to me to-day—I speak from my small experience as a member of several international conferences—that there will be every advantage, from the point of view of the rapidity of our labours and having regard to the necessary agreement which must receive the sanction of the plenary Conference, in fixing the number of members, not of all but of certain of the Commissions, at a higher figure than the one hitherto adopted. I have myself made a claim. Other Delegates have spoken more or less in the same sense; it is clear that there is something to be done in this direction.

We have come here with a great ideal which all the world supports; we desire to institute the League of Nations, that is to say, a system of equality as between all nations. The principle of the League has already been completely established. Each nation must be given a vote; "one nation, one vote." That is the spirit in which I beg leave to bring to your attention the arguments which appear to militate in favour of an increase in the number of members of Commissions, for the phrase "League of Nations" must not merely appear in our speeches; its spirit must reign in our hearts.

The President points out, with the agreement of Mr. Calogeras, that the observations which have just been made cannot modify the proposals already placed before the Assembly; that, moreover, they cannot be taken into account at a meeting which has for its sole object the designation of the representatives of Powers with special interests.

The observations of the Delegate for Brazil will, however, be recorded in the Minutes of the session, and the President will communicate them to the Bureau of the Conference.

Furthermore, the Delegates of Powers which desire to see an increase in the number of their representatives on the Commission of the League of Nations may naturally go and offer their observations before that Commission. That Commission, which will be undoubtedly animated by a most liberal spirit, may, if it considers the number of representatives to be insufficient, request the plenary Conference to increase the number originally settled.

Mr. Vesnitch (Serbia) offers an observation of a technical description by proposing that the vote to be given should be in the name of States, and not in the name of persons.

This proposal is adopted.

The session is suspended at 15.25 o'clock (3.25 p. m.) in order to allow the Delegates to exchange views before examining the list of the representatives to be designated.

The session is resumed at 16.5 o'clock (4.5 p. m.).

On the resumption of the session *Mr. Hymans* (Belgium) describes as follows the result of the exchange of views among the Delegates:—

We have sought to reach an agreement, by means of private conversations, in regard to the position of the four following Commissions: Commission on the League of Nations; Commission on Ports; Commission on International Legislation on Labour; Commission to enquire into the Responsibility for Crimes committed during the War.

As a result of the conversations which have taken place, there are two Commissions in regard to the composition of which there appears to be agreement, and we can thenceforward eliminate the two following questions from our deliberations: the Commission on the Responsibility for Crimes committed during the War, and the Commission on International Legislation on Labour.

If there were no opposition, we could consider that the Delegates have been named for the Commission to enquire into the responsibility for crimes committed during the war, and to examine the penalties attached to those crimes, that Commission being composed of the representatives of Belgium, Serbia, Roumania, Poland and Greece.

As regards the composition of the Commission to study International Legislation on Labour, we propose to put down the names of the following Powers: Belgium, Serbia, Cuba for the South American group, Poland and the Czecho-Slovak Republic. The Serbian Delegates, however, have been good enough to state that they agreed to yield their place to Belgium, which, in view of the position which she holds in the industrial and commercial world, may be considered from that point of view as a Great Power. Belgium would therefore have two seats.

The question is a more delicate one as regards the composition

of the Commission to enquire into the constitution of the League of Nations, and the composition of the Commission on the Control of Ports, Waterways and Railways.

In the conversations which have just taken place, there seemed to be an agreement as regards Belgium and Serbia, each having a representative on both Commissions; there are, however, besides those two, Powers which likewise demand to be represented on both Commissions and the number of the Powers which wish to sit on them exceeds the number of available seats. Brazil, China, Roumania, Poland, the Czecho-Slovak Republic, Greece, and Portugal ask to be represented on the League of Nations Commission.

With regard to the Ports Commission, in addition to Belgium and Serbia, Uruguay representing the South American group, Poland, China, Greece, Roumania, and Portugal ask to be represented on this Commission.

In our opinion it would be best, with a view to the composition of these two Commissions, to take a vote; it is our intention to request you, Mr. President, when the vote has taken place and after the nomination of the five Delegates to whom we have been told we are entitled, to make yourself the interpreter of the desire of to-day's meeting by begging the Bureau of the Conference to be so good as to increase eventually the number of seats on these two Commissions; we would indicate the Powers for which these seats are requested.

The Greek Delegates state that they agree with Mr. Hymans in regard to the composition of the first two Commissions for which, in default of opposition, the vote should be regarded as settled; furthermore, like Serbia, they renounce their representation on the International Labour Legislation Commission in favour of Belgium.

The President gives his consent to this mode of procedure and concludes, to sum up, that five Delegates will be appointed and that four will be designated in order that they may be proposed to the Bureau of the Conference so as to complete the Delegation.

The discussion is resumed on the method of voting.

The President states that, with regard to the Labour Legislation Commission and that on the Responsibility for Crimes, there is no need to vote, as the Delegates have agreed among themselves.

The representation of Powers with special interests on the International Labour Legislation Commission will therefore be composed as follows: Belgium, with two seats; Cuba, Poland, and the Czecho-Slovak Republic, with one seat each.

As regards the Commission to enquire into the Responsibility for Crimes committed during the War, Belgium, Greece, Poland, Roumania, and Serbia will each have one representative on that Commission.

As regards the two other Commissions—those on the League of Nations and on Ports—the President proposes to proceed by separate vote for each Commission. This having been accepted, he states that it is understood that the Delegates to be considered as elected will be the five who have received the greatest number of votes. The four names following them will be laid before the Conference, by way of suggestion, with a view to complete the Commissions.

An exchange of views takes place in order to fix the method of voting. It is decided in the first place that the voting at the first round is to be determined by absolute majority; at the second, by relative majority; further, that each Delegation shall only hand in one voting card.

The list of candidates for the League of Nations Commission is communicated to the meeting. These candidates are, in alphabetical order (in French): Belgium, Brazil, China, Ecuador, Greece, Haiti, Poland, Portugal, Roumania, Serbia and the Czecho-Slovak Republic.

The votes are collected, sorted and counted.

The President announces the result:

There are seventeen voters; the five nations which have received

an absolute majority and the greatest number of votes are: Belgium, China, Brazil, Serbia, and Portugal. Thereafter come Roumania, Poland, Greece, the Czecho-Slovak Republic, Haiti, and Ecuador.

In accordance with the decision of the Assembly, the President will communicate to the Bureau of the Conference the names of the four nations which, after the five nations appointed, have obtained the greatest number of votes, namely: Roumania, Poland, Greece, and the Czecho-Slovak Republic.

The President thereupon proposes to designate the members of the Ports, Waterways and Railways Commission.

Mr. Benes (Czecho-Slovak Republic) offers the following observation:

When we examined the question of the number of Delegates to be admitted into the Commission for Railways, Waterways, and the Internationalisation of Ports, I explained to my colleagues on the Commission certain reasons for which we, the Czecho-Slovaks, were anxious to be represented among the five Powers to be designated. Those reasons are as follows: We are in the middle of Central Europe, a country surrounded on all sides by enemy powers, notably Germany and the Magyars, and we have no access to the sea. For us the question of the internationalisation of railways is a vital one; on the other hand, our State is a riverain state of the Danube and we are specially interested in the question of the Adriatic; moreover, having no great ports, we shall therefore be interested in expressing our views on the subject of the special system of control of the Baltic and Adriatic ports. These are the reasons which we have advanced in order that we may be included in the number of the five Powers which are to be represented on the Commission: I therefore propose the candidature of the Czecho-Slovaks to be among the five Powers which you are about to designate.

Mr. Hymans (Belgium) announces, but not in order of priority, the names of the Powers which ask to be represented on the Com-

mission: they are Belgium, Serbia, Uruguay, Poland, China, Roumania, Greece, the Czecho-Slovak Republic and Portugal.

The votes are collected, sorted and counted.

The President announces the result:—

The five Powers which have secured an absolute majority are: Belgium, China, Greece, Uruguay and Serbia.

After them the following have secured the greatest number of votes: Roumania, Portugal, Poland and the Czecho-Slovak Republic.

Therefore, the suggestion to be made to the Bureau is concerned with the supplementary admission of the four last-named Powers.

Mr. Calogeras (Brazil) makes the following statement in regard to the result of the voting:—

It appears to me that a great moral lesson is derived from the votes which this Assembly has just cast: on all the Commissions it is to Belgium that the greatest number, indeed almost the unanimity of votes, has been given. That is not astonishing. We have barely emerged from a struggle which will undoubtedly effect a complete transformation of modern society: now, if it has been possible to secure this victory, if we are assembled round this Conference table, it is certainly because there has been an expiatory victim, a country, small in extent, but great of heart, which has offered itself up as a holocaust, and to which we may well apply the phrase which Joan of Arc used of her banner: "It has been dragged in the dust; it now floats in the breeze."

Mr. Hymans (Belgium) thanks him in the following terms:—

From the depths of my heart I thank the representative of noble Brazil for the words with which he has just greeted my country. We have, I think, done our duty; victory has crowned the common efforts of the Allies and all of us here will have only one purpose, together with the great Allies at whose side we were sitting yesterday; that is, to establish a just peace, and to organise an international order founded on the rights and equality of nations.

The President adds these words:

In the name of all the nations represented at this table I associate myself with the words just pronounced by the representative of Brazil; at the same time, however, I desire to associate with these eulogies Serbia, Roumania, and all the nations which have suffered, like ourselves and like Belgium, for the cause of Civilisation and Right.

It is understood, of course, that the Delegates of countries which have been indicated will be at the same time the Delegates of all the nations, and that they may be requested to present the desiderata of nations which have not been themselves designated.

In conclusion, the President begs the Delegations to communicate as soon as possible to the General Secretariat the names of the representatives of nations designated by the vote which has just been taken, as the Commission ought to be constituted as rapidly as possible.

The members of the Secretariat take note of these names. (See Annex VII.)

The session rises at 16.50 o'clock (4.50 p.m.).

J. CAMBON,
President.

ANNEX 7.

List of Members of Commissions.

I.

Commission on the League of Nations.

United States of America:

Président Wilson,

Honorable Edward M. House.

British Empire:

The Rt. Hon. The Lord Robert Cecil,

Lieutenant-General The Rt. Hon. J. C. Smuts.

France:

Mr. Léon Bourgeois:

Mr. Larnaude, Dean of the Faculty of Law of Paris.

Italy:

Mr. Orlando,

Mr. Scialoja.

Japan:

The Baron Makino,

The Viscount Chinda.

Belgium:

Mr. Hymans.

Brazil:

Mr. Epitacio Pessoa, Senator, former Minister of Justice.

China:

Mr. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary of China at Washington.

Portugal:

Mr. Jayme Batalha Reis.

Serbia:

Mr. Vesnitch.

2.

*Commission on the Responsibility of the Authors of the War and
the Enforcement of Penalties.*

United States of America:

Honorable Robert Lansing,

Mr. James Brown Scott.

British Empire:

The Rt. Hon. Sir Gordon Hewart, K.C., M.P., Attorney-General, with the right of substituting:

The Rt. Hon. Sir Ernest Pollock, K.B.E., K.C., M.P., Solicitor-General,

The Rt. Hon. W. F. Massey.

France :

Mr. André Tardieu,
Mr. Larnaude.

Italy :

Mr. Scialoja,
Mr. Raimondo, Deputy.

Japan :

Mr. Adatci, Envoy Extraordinary and Minister Plenipotentiary
of His Majesty the Emperor of Japan at Brussels,
Mr. H. Nagaoka.

Belgium :

Mr. Rolin-Jaequemyns, Secretary General of the Belgian
Delegation.

Greece :

Mr. Politis.

Poland :

Mr. Constantin Skirmunt, Member of the Polish National
Committee, Representative of the Committee at Rome.

Roumania :

Mr. S. Rosental, Jurist.

Serbia :

Mr. Slobodan Yovanovitch, Rector of the University of Belgrade (with the right of substituting Mr. K. Koumanoudi, Professor at the University of Belgrade, or Mr. M. Novakovitch, Professor at the University of Belgrade).

3.

*Commission on Reparation of Damage.**United States of America :*

Mr. Bernard M. Baruch, President of the War Industries
Board,
Mr. Norman H. Davis, Financial Commissioner,
Mr. Vance McCormick, President of the War Trade Board.

Great Britain:

The Rt. Hon. W. M. Hughes,

The Rt. Hon. The Lord Sumner of Ibstone, Lord of Appeal
in Ordinary,

The Rt. Hon. The Lord Cunliffe, former Governor of the
Bank of England.

France:

Mr. L. L. Klotz,

Mr. Loucheur, Minister of Industrial Reconstruction,

Mr. Albert Lebrun, Minister of the Liberated Territories.

Italy:

Mr. Salandra,

Mr. D'Amelio, Councillor to the Court of Cassation,

Mr. E. Chiesa, Deputy.

Japan:

Mr. Mori, Financial Agent to the Embassy at London,

Mr. H. Nagaoka,

Mr. Tatsumi, Administrator of the Yokohama Specie Bank.

Belgium:

Mr. Van den Heuvel,

Mr. Despret, Advocate at the Court of Cassation, Adminis-
trator of the Bank of Brussels.

Greece:

Mr. Romanos,

Mr. Michalakopoulos, Minister of State.

Poland:

Mr. Sigismond Chamiec, Director of the National Loan Bank,

Mr. Casimir Olszowski, Director of the Department of War
Damage at the Ministry of Finance.

Roumania:

Mr. Georges Danielopol, Envoy Extraordinary and Minister
Plenipotentiary of His Majesty the King of Roumania at

Washington, former Director of the National Bank of Roumania,

Mr. P. Zahariade, Engineer-Inspector-General, former Director of the Railways.

Serbia:

Mr. Milosh Savtchitch, former Minister (with the right of substituting Mr. Dragutin Protitch, Advocate, or Dr. Vel. Baikitch, Bank Director.

4.

Commission on International Legislation on Labour.

United States of America:

Honorable Edward N. Hurley, President of the Shipping Board,

Mr. Samuel Gompers, President of the American Federation of Labor.

Great Britain:

The Rt. Hon. G. N. Barnes,

Sir Malcolm Delevingne, K.C.B., Assistant Under-Secretary of State for the Home Department.

France:

Mr. Colliard, Minister of Labour and Social Insurance,
Mr. Loucheur.

Italy:

Baron Mayor des Planches, Honorary Ambassador, Commissioner-General of Emigration,

Mr. Cabrini, Deputy.

Japan:

Mr. Otchiai, Minister Plenipotentiary and Envoy Extraordinary of His Majesty the Emperor of Japan at The Hague;

Mr. Oka, former Director of Commercial and Industrial Affairs at the Ministry of Commerce.

Belgium:

Mr. Vandervelde,

Mr. Mahaim, Professor of the University of Liège, Secretary of the Belgian Section of the International Association for the Legal Protection of Workers.

Cuba:

Mr. Antonio Sánchez de Bustamante.

Poland:

Mr. Jean Zoltowski, Member of the Polish National Committee (temporary Delegate).

Czecho-Slovak Republic:

Mr. Benes.

5.

*Commission on the International Control of Ports, Waterways, and Railways.**United States of America:*

Honorable Henry White,

Honorable David Hunter Miller.

Great Britain:

The Hon. A. L. Sifton,

Sir Hubert Llewellyn-Smith, K.C.B., Permanent Secretary to the Board of Trade.

France:

Mr. Clavelle, Minister of Public Works and Transport,

Mr. André Weiss, Professor at the Faculty of Law of Paris, Legal Adviser to the Ministry of Foreign Affairs.

Italy:

Mr. Crespi, Minister of Food,

Mr. de Martino, Secretary-General of the Ministry of Foreign Affairs.

Japan:

Mr. K. Matsui,

Colonel Sato.

Belgium:

Mr. Segers, Minister of State.

China:

Mr. Chengting Thomas Wang.

Greece:

Mr. Coromilas, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Hellenes at Rome.

Serbia:

Mr. Trumbitch.

Uruguay:

Mr. Juan Carlos Blanco.

CONFERENCE
Des Préliminaires de Paix.

PROTOCOLE NO. 2.^a

SÉANCE PLÉNIÈRE DU 25 JANVIER 1919.

La séance est ouverte à 15 heures sous la présidence de
M. CLEMENCEAU, Président.

Sont présents :

Pour les États-Unis d'Amérique :

Le Président des États-Unis ;

Hon. Robert Lansing ;

Hon. Henry White ;

Hon. Edward M. House ;

General Tasker H. Bliss.

Pour l'Empire Britannique :

GRANDE-BRETAGNE.

The Rt. Hon. David Lloyd George ;

The Rt. Hon. A. J. Balfour ;

The Rt. Hon. G. N. Barnes ;

The Hon. C. J. Doherty, Ministre de la Justice du Canada ;

The Rt. Hon. Sir Joseph Ward, Bart., K. C. M. G., Min-
istre des Finances et des Postes de la Nouvelle-Zélande.

The Rt. Hon. the Lord Robert Cecil, K. C., M. P.,
Délégué technique pour la Société des Nations.

DOMINIONS ET INDES.

Canada.

The Rt. Hon. Sir Robert Borden, G. C. M. G., K. C.,
Premier Ministre ;

The Rt. Hon. Sir George Foster.

Australie.

The Rt. Hon. W. M. Hughes;

The Rt. Hon. Sir. J. Cook.

Afrique du Sud.

General the Rt. Hon. Louis Botha;

Lt. General the Rt. Hon. J. C. Smuts.

Nouvelle-Zélande.

The Rt. Hon. W. F. Massey, Premier Ministre.

Indes.

The Rt. Hon. E. S. Montagu, M. P., Secrétaire d'État pour
l'Inde;

Major General Son Altesse le Maharaja de Bikanir.

Pour la France:

M. Clemenceau;

M. Pichon;

M. L. L. Klotz;

M. André Tardieu;

M. Jules Cambon;

M. Léon Bourgeois, ancien Président du Conseil des Min-
istres, ancien Ministre des Affaires étrangères, Délégué
technique pour la Société des Nations.

M. le Maréchal Foch.

Pour l'Italie:

M. V. E. Orlando, Président du Conseil des Ministres;

Le Baron S. Sonnino;

Le Marquis Salvago Raggi;

M. Antonio Salandra, Député, ancien Président du Conseil
des Ministres;

M. Salvatore Barzilai, Député, ancien Ministre.

M. Scialoja, Sénateur du Royaume, Délégué technique pour
la Société des Nations.

Pour le Japon :

Le Baron Makino, ancien Ministre des Affaires étrangères,
Membre du Conseil diplomatique;

Le Vicomte Chinda;

M. K. Matsui;

M. H. Ijuin, Ambassadeur extraordinaire et plénipotentiaire
de S. M. l'Empereur du Japon à Rome.

Pour la Belgique :

M. Hymans;

M. van den Heuvel;

M. Vandervelde, Ministre de la Justice, Ministre d'État.

Pour la Bolivie :

M. Ismael Montes.

Pour le Brésil :

M. Olyntho de Magalhaes;

M. Pandia Calogeras.

Pour la Chine :

M. Lou Tseng Tsiang;

M. Chengting Thomas Wang.

Pour Cuba :

M. Rafael Martinez Ortiz.

Pour l'Équateur :

M. Dorn y de Alsua.

Pour la Grèce :

M. Eleftherios Veniselos, Président du Conseil des Minis-
tres;

M. Nicolas Politis.

Pour le Hedjaz :

Son Altesse Royale l'Émir Fayçal;

M. Rustem Haïdar.

Pour le Pérou :

M. Francisco Garcia Calderon.

Pour la Pologne :

M. Roman Dmowski.

Pour le Portugal :

Le Comte de Penha Garcia, ancien Président de la Chambre
des députés, ancien Ministre des Finances ;

M. Jayme Batalha Reis, Envoyé extraordinaire et Ministre
plénipotentiaire du Portugal à Pétrograd.

Pour la Roumanie :

M. Jean J. C. Bratiano ;

M. Nicolas Misu.

Pour la Serbie :

M. Pachitch ;

M. Trumbitch ;

M. Vesnitch.

Pour le Siam :

Le Prince Charoon ;

Phya Bibadh Kosha.

Pour la République tchéco-slovaque :

M. Charles Kramar, Président du Conseil des Ministres ;

M. Édouard Benes.

Pour l'Uruguay :

M. Juan Carlos Blanco.

Le Président fait connaître à la Conférence que, sur la demande de la Délégation des États-Unis, l'approbation du Protocole de la première séance est renvoyée à la prochaine séance, cette Délégation n'ayant pas encore reçu le texte anglais du Protocole No. 1, qu'elle se réserve le droit de présenter à la Conférence.

**Constitution
des
Commissions.**

L'ordre du jour appelle la constitution de cinq Commissions chargées d'étudier les questions suivantes:

- 1° Société des Nations;
- 2° Responsabilité des auteurs de la guerre et sanctions;
- 3° Réparation des dommages;
- 4° Législation internationale du travail;
- 5° Régime international des ports, voies d'eau et voies ferrées.

**1°
Commission
de la Société
des Nations.**

La première Commission à nommer est relative à la Société des Nations, au sujet de laquelle le Bureau présente un projet de résolution (Annexe I), qui a été distribué, en anglais et en français, à tous les membres de la Conférence.

La discussion est ouverte sur la question de la Société des Nations.

Le Président des États-Unis, s'exprimant en anglais, prononce le discours dont la traduction suit:

C'est un grand privilège qui m'est donné d'ouvrir la discussion dans cette Conférence sur la Ligue des Nations. Nous nous sommes réunis ici pour deux objets: régler les questions posées par la guerre actuelle et aussi assurer la paix du monde, non seulement par ce règlement, mais par des mesures que nous devons prendre dans cette Conférence pour rendre la paix durable.

La Ligue des Nations me semble nécessaire à la fois pour ces deux objets: peut-être ne réussirons-nous pas à donner, par les décisions que nous prendrons ici, une solution définitive pour beaucoup des questions compliquées qui sont liées au règlement de cette guerre. Je conçois facilement pourquoi un grand nombre des solutions que nous adopterons nécessiteront un examen ultérieur; pourquoi un grand nombre des décisions que nous prendrons exigeront, dans une certaine mesure, des modifications ultérieures; car, autant que mon étude de certaines de ces questions me permet d'en juger, tous ces problèmes ne sont pas en ce moment

susceptibles d'une solution définitive. Il nous faut donc créer quelque organisme chargé d'achever l'œuvre de la Conférence. Nous nous sommes réunis ici pour exécuter un plan beaucoup plus vaste que le règlement direct de difficultés immédiates. Nous sommes réunis à un moment où l'opinion du monde est dans un état particulier. Je puis dire, sans exagération, que nous sommes non les représentants des Gouvernements, mais les représentants des Peuples.

Il ne suffirait pas que notre œuvre satisfît tous les Gouvernements; il est nécessaire qu'elle donne satisfaction à l'opinion de l'humanité. Le fardeau de cette guerre a pesé, à un degré inconnu jusqu'ici, sur la population tout entière des pays qui y ont participé. A quoi bon vous exposer comment, bien loin du front, ce fardeau est venu peser sur les vieillards, les femmes et les enfants, sur les foyers du monde civilisé, et comment spontanément les cœurs se sont élevés à des régions où ne peuvent pénétrer les regards du gouvernement des hommes, mais où bat le cœur de l'Humanité. Ces peuples nous demandent de conclure une paix qui leur donne la sécurité. Ils nous demandent de veiller à ce qu'ils n'aient plus à recommencer cet effort et j'ose dire que ce qui leur a permis de le supporter, c'est l'espoir que leurs représentants pourraient se réunir après la guerre et rendre inutile le renouvellement de pareils sacrifices.

Nous avons donc l'obligation stricte de conclure des accords permanents pour que la justice règne et que la paix soit rendue durable. Tel est l'objet essentiel de notre réunion. Les règlements peuvent être temporaires, mais l'action des peuples dans l'intérêt de la paix et de la justice doit être permanente. Nous pouvons organiser des procédures permanentes. Il se peut que nous soyons hors d'état de prendre des décisions ayant un effet permanent. C'est pourquoi nous devons, autant que possible, avoir présent à l'esprit le tableau actuel du monde. N'est-il pas saisissant, par exemple, de constater que les grandes découvertes de la science, les recherches des savants dans le calme des laboratoires, les pensées géniales sorties du silence des bibliothèques ont, dans ce conflit, été détournées de leur noble but pour servir à détruire la civilisation? Et ce n'est pas tant les forces de destruction qui se sont accrues que la destruction qui est devenue plus facile.

L'ennemi que nous venons de vaincre avait créé sur son territoire quelques-uns des principaux centres de recherches

et de découvertes scientifiques du monde, et il s'en est servi pour opérer des destructions brutales et complètes; seule une coopération attentive et continue des hommes peut veiller à ce que la science, comme les armées, soit maintenue au service de la civilisation.

En un sens, les États-Unis ont, dans cette question, un intérêt moins direct que les autres nations ici réunies. Par l'étendue de leur territoire, par le développement de leurs côtes, les États-Unis auraient vraisemblablement moins à redouter l'attaque d'un ennemi que beaucoup d'autres nations. La ferveur des États-Unis,—car il s'agit d'une ferveur véritable et très profonde pour la Ligue des Nations,—n'est pas une ferveur causée par la crainte ou l'appréhension, c'est une ferveur qui vient de l'idéal dont ce pays a pris conscience au cours de la guerre. En prenant part à cette guerre, les États-Unis n'ont pas un seul instant songé à intervenir dans la politique européenne, dans la politique asiatique ou dans la politique d'une partie quelconque du monde. Ils ont pensé que le monde entier s'était maintenant rendu compte qu'une seule cause était intéressée à l'issue de la guerre. C'était la cause de la Justice et de la Liberté pour les hommes de toute race et de toute patrie. Aussi les États-Unis estimerait-ils vaine leur intervention dans la guerre si elle n'aboutissait qu'à un règlement d'ensemble des questions européennes. Ils ne croiraient pas pouvoir participer à la garantie du règlement des questions européennes, si cette garantie n'impliquait la surveillance constante de la paix mondiale par les nations associées du monde entier.

Il me semble donc que nous devons nous concerter de notre mieux pour faire de cette Ligue des Nations un organisme vivant, non pas un organisme de pure forme, non pas un organisme d'occasion, non pas un organisme destiné à répondre à une nécessité du moment, mais un organisme fonctionnant perpétuellement, veillant aux intérêts des nations, et qui soit réellement vivant; ses fonctions doivent être permanentes et il ne doit y avoir aucune interruption dans son activité ni dans sa vigilance; la Ligue des Nations doit être l'œil des peuples chargé de veiller aux intérêts communs, un œil qui ne se ferme jamais, un œil toujours vigilant et attentif.

Et si nous ne faisons pas de la Ligue des Nations un organisme vivant, que ferons-nous? Nous tromperons l'at-

tente des peuples, car la Ligue des Nations est au centre de leurs préoccupations. Depuis que je suis de ce côté de l'Océan, j'ai eu la joie de prendre contact avec le peuple dans mes visites aux diverses nations; chaque fois, la voix de la foule est montée jusqu'à moi par l'intermédiaire de ses représentants, et ce qui dominait dans cette voix c'était l'aspiration du monde vers l'établissement de la Ligue des Nations.

Messieurs, l'élite de l'humanité n'est plus représentée par les Gouvernants. L'avenir du monde est maintenant entre les mains du peuple même. Donnez-lui satisfaction, vous aurez non seulement justifié sa confiance, mais encore établi la paix. Ne lui donnez pas satisfaction, aucun des arrangements que vous pourrez conclure n'établira la paix du monde, ni ne la consolidera.

Messieurs, vous pouvez vous représenter, j'ose le dire, dans quel sentiment et dans quel dessein les Représentants des États-Unis soutiennent ce grand projet de la Ligue des Nations. Nous le considérons comme la clef de voûte de tout le programme, expression de nos desseins et de notre idéal dans cette guerre, que les Nations associées ont accepté comme base de règlement. Si nous retournons aux États-Unis sans avoir fait tous nos efforts pour réaliser ce programme, nous y trouverons en rentrant le mépris justifié de nos concitoyens. L'ensemble de nos concitoyens, en effet, constitue une grande démocratie. Ils attendent de leurs Représentants que ceux-ci expriment la pensée de cette démocratie et non leurs desseins personnels. Ils considèrent leurs Représentants comme leurs serviteurs. Nous n'avons d'autre parti à prendre que d'obéir à ce mandat. Mais c'est avec le plus grand plaisir et même avec le plus grand enthousiasme que nous acceptons ce mandat; et c'est parce qu'il est la clef de voûte de tout l'édifice, que nous nous sommes engagés à lui consacrer tous nos efforts, comme nous l'avons fait pour chaque partie de l'édifice. Nous ne voudrions pas retrancher un seul article du programme qui constitue notre mandat. Nous ne nous hasarderions pas à consentir un compromis sur aucune matière, en tant que champion de cette cause: la Paix du monde, la Justice; de ce principe: que nous ne sommes les maîtres d'aucun peuple, mais que nous sommes ici pour veiller à ce que tous les peuples du monde choisissent leurs maîtres et gouvernent leurs destinées non comme nous le voulons, mais comme ils

le veulent. En résumé, nous sommes ici pour veiller à ce que les causes premières de cette guerre disparaissent à jamais. Ces causes premières, c'était le choix privé de petites coteries de chefs civils et d'états majors militaires. Ces causes premières, c'était l'agression de grandes puissances contre des petites. Ces causes premières, c'était la constitution d'empires par la force des armes contre la volonté des sujets qui les composent. Ces causes premières, c'était le pouvoir pour de petites oligarchies d'agir suivant leur volonté et de considérer les hommes comme des pions dans un jeu. Et le moins que la Paix puisse accomplir, c'est la délivrance du monde de toutes ces dominations. Aussi les Représentants des États-Unis n'ont jamais été embarrassés pour choisir leur ligne de conduite, parce qu'ils ont établi pour eux des règles de principe inaltérables. Et, grâce à Dieu, ces règles ont été acceptées comme bases de règlement par tous les hommes à esprit élevé qui ont eu à s'occuper des préliminaires de cette grande tâche.

J'espère, Monsieur le Président, que, lorsque l'on saura, —et on le saura, j'en suis convaincu,—que nous avons adopté le principe de la Ligue des Nations et que nous entendons donner force exécutoire à ce principe, nous aurons par cela seul soulagé le cœur de tous les hommes de la plus grande partie de ce fardeau d'anxiété qui pèse sur eux. Nous nous trouvons dans un cas particulier. Lorsque je parcours les rues de cette ville, je vois partout des hommes portant l'uniforme américain. Ces hommes sont entrés en guerre après avoir eu connaissance de nos desseins. Ils sont venus comme des croisés, non seulement pour gagner une guerre, mais pour gagner une cause, et je suis responsable envers eux, car la tâche qui m'est échue est d'exposer les motifs pour lesquels je leur ai demandé de combattre. Et moi aussi, je dois être un croisé pour ces idées, quoi qu'il en coûte et quoi qu'il soit nécessaire de faire, en conscience, pour atteindre le but pour lequel ils ont combattu. J'ai été heureux de le constater de jour en jour; il ne saurait être question de notre isolement à cet égard, car de tous côtés il y a des champions de cette cause. Si je fais cette remarque, c'est simplement afin que vous compreniez pourquoi c'est à nous, qui ne sommes pas intéressés dans les questions politiques de ce grand continent et de l'Orient, qu'est échue la mission de suggérer que c'était là la clef de voûte de l'édifice, et pourquoi

le Président de la Conférence a eu la généreuse pensée de m'inviter à ouvrir ce débat. Ce n'est pas parce que nous sommes seuls à défendre cette idée, c'est parce que c'est notre privilège de nous associer à vous pour la défendre.

Dans tout ce que j'ai dit, je me suis borné à essayer de vous montrer les sources de l'enthousiasme qui est en nous pour cette idée; car ces sources jaillissent, ce me semble, des anciens maux et des sympathies anciennes de l'Humanité. C'est le pouls même de l'Univers qui semble battre quand nous touchons à cette question vitale.

M. Lloyd George (Grande-Bretagne), s'exprimant en anglais, prononce le discours dont la traduction suit :

Je me lève pour appuyer cette résolution. Après le noble discours du Président des États-Unis, je sens qu'il n'est pas besoin d'observations pour recommander son adoption à la Conférence, et je ne serais pas intervenu si je n'avais désiré dire avec quelle énergie les peuples de l'Empire britannique soutiennent cette proposition. Si les chefs de la nation n'ont pu, au cours des cinq dernières années, se consacrer à la défense de cette cause autant qu'ils l'auraient voulu, c'est parce que tout leur temps et toute leur énergie ont été absorbés par les exigences de ce terrible conflit.

Si j'avais eu dans l'esprit le moindre doute sur la sagesse de ce projet, ce doute se serait évanoui lorsque j'ai entendu l'irrésistible appel qui s'est élevé vers moi du spectacle dont j'ai été le témoin dimanche dernier. Je visitais une région qui, il y a peu d'années, était l'une des plus belles d'un pays exceptionnellement beau. Je n'y ai trouvé que ruines et désolation. J'ai parcouru pendant des heures une campagne qui n'avait plus l'apparence d'une contrée habitée par des êtres vivants, hommes, femmes et enfants, mais qui avait maintenant l'aspect d'un pays bouleversé, parsemé d'excavations, où tout était brisé, retourné, arraché. Je suis allé dans une ville où j'ai constaté des dévastations, qu'aucune indemnité ne pourra jamais réparer; j'ai vu, défigurée et mutilée au point d'être irréparable, l'une des plus admirables merveilles de l'univers. Et il s'est produit l'une des choses, à mon avis, les plus douloureuses que l'on puisse imaginer: des Français,—qui étaient attachés à leur sol natal plus peut-être qu'aucun autre peuple ne l'est,—ont dû, pour faire triompher la justice de leur cause, aider leur cruel ennemi à démolir leurs propres habitations et j'ai senti que c'étaient

là les résultats de cette guerre, une partie seulement de ses résultats. Si je m'étais trouvé ici il y a quelques mois, j'aurais été témoin de quelque spectacle que je n'oserais décrire. Je viens de voir des acres entiers couverts des tombes de ceux qui sont tombés : c'étaient là les résultats du seul moyen, de la seule méthode organisée, à l'aide desquels les nations civilisées ont jusqu'ici tenté ou décidé de régler leurs différends. Et mon sentiment était le suivant : certes il est temps, il est grand temps d'établir pour le règlement des différends entre les peuples un système plus sage que cette sauvagerie organisée.

Je ne sais si nous y réussirons. Mais si nous l'essayons, cette tentative sera un succès ; c'est pour cette raison que j'appuie la proposition.

M. Orlando (Italie), demandant la parole, s'exprime ainsi :

Qu'il me soit permis d'exprimer ma plus fervente adhésion au grand principe que nous sommes appelés aujourd'hui à proclamer. Je crois que nous accomplissons ainsi le premier des engagements, et le plus solennel, que nous avons pris envers nos peuples, lorsque nous leur avons demandé d'immenses efforts pour cette immense guerre, engagement dont la contre-partie était la mort, des sacrifices sans nom et des douleurs sans limites. Nous accomplissons donc notre devoir en faisant honneur à cet engagement sacré. C'est beaucoup, mais ce n'est pas tout. Il faut y apporter la spontanéité d'esprit et, si l'on me permet cette expression mystique, la pureté des intentions. Ce n'est pas dans un sentiment de mesquine fatuité nationale, mais seulement pour vous mieux montrer que l'esprit du peuple italien est tout à fait propre à accepter spontanément et intégralement ce principe, que je me permets de rappeler ici les grandes traditions juridiques de mon peuple et sa vocation pour le Droit. Or, le Droit, ce n'est pas seulement la défense d'un ordre fondé sur la justice contre toute violence ; c'est aussi la forme extérieure, obligatoire, garantie par l'État, de ce principe essentiel qui constitue la base même de l'existence de la société humaine, c'est-à-dire le principe de la coopération sociale. Je crois donc que la formule qui nous est proposée est très heureuse, puisqu'elle n'offre pas seulement des garanties contre la guerre, mais qu'elle envisage aussi cette coopération entre les Nations qui est la véritable intégration du Droit.

Monsieur le Président, Messieurs, c'est aujourd'hui un grand moment, une grande date historique, parce que c'est seulement dès aujourd'hui que commence, que naît le droit des peuples. Et puisque cette naissance a lieu dans cette France généreuse et glorieuse qui a proclamé et imposé par son sang et par son génie les droits de l'homme, ce présage me paraît heureux. *Quod bonum felix faustumque sit.*

M. Léon Bourgeois (France) prend la parole en ces termes :

Je suis profondément reconnaissant à M. le Président du Conseil des Ministres français de m'avoir fait l'insigne honneur de me charger de prendre la parole pour parler au nom de la France. Il est probable que ce sont les souvenirs de la Conférence de la Haye qui l'ont amené à cette désignation ; j'en reporte par conséquent l'honneur sur les très nombreux Collègues ici présents dont j'ai été le collaborateur en 1899 et en 1907.

M. le Président Wilson disait tout à l'heure cette éloquente et forte parole, que nous ne sommes pas ici, que vous n'êtes pas ici, Messieurs les Délégués, les Représentants seulement des Gouvernements, mais les Représentants des Peuples. Que veulent les peuples à l'heure actuelle, et que veulent par conséquent les Gouvernements véritablement libres, véritablement représentatifs, véritablement démocratiques, c'est-à-dire ceux qui veulent nécessairement ce que veulent leurs peuples eux-mêmes ? Ils veulent que ce que nous avons vu pendant ces quatre années horribles ne se renouvelle plus à la face du monde. Ce qu'ils veulent, c'est ce que veulent toutes les victimes de cette guerre ; ce qu'ils veulent, c'est ce qu'ont voulu, en exhalant leur dernier soupir, ceux qui sont morts pour la Liberté et pour le Droit. Ceux-là ne se sont pas battus seulement pour défendre leur Patrie, ils s'étaient unis de tous les points du monde libre pour cette croisade dont a parlé si justement M. le Président Wilson, et ils savaient qu'ils mouraient non seulement pour leur pays, mais pour la Liberté universelle et pour la Paix universelle. Pour la Paix universelle : tout à l'heure M. le Premier d'Angleterre décrivait avec une éloquence saisissante le tableau des ruines et des désolations dont il a été le témoin ; ces ruines, ces désolations nous les avons constatées et vous les avez vues bien loin du point de départ du conflit qui a ouvert les hostilités, car en effet, désormais, il n'est pas un conflit local qui puisse être circonscrit ; en quelque

État du monde que naisse la difficulté, soyez-en persuadés, c'est le monde tout entier qui est en danger. Il y a une telle interdépendance dans les relations de tout ordre qui existent entre les nations, une telle interdépendance des conditions économiques, des conditions financières, des conditions morales et intellectuelles que, je le répète, chaque fois qu'une blessure est faite sur un point quelconque de l'organisme, c'est l'organisme tout entier qui risque d'être empoisonné.

Il y a une seconde raison qui fait qu'il n'est plus possible que de pareils spectacles soient encore donnés à l'Humanité. M. le Président Wilson faisait tout à l'heure allusion à ces redoutables progrès de la science qui était détournée de son objet propre, lequel est de donner sans cesse à l'Humanité plus de bien-être, plus de certitude du lendemain, plus d'espérances dans l'avenir et qui était employée aux œuvres les plus redoutables et les plus misérables, c'est-à-dire aux œuvres de destruction. Or, la science tous les jours multiplie ses progrès et ses conquêtes; tous les jours, elle perfectionne ses moyens d'action sur le monde et, étant donné ce que nous avons vu pendant ces cinq dernières années, ce qui a été produit de redoutable et de destructif en mécanique, en balistique, songez à ce que serait d'ici quelques années la destruction nouvelle dont on pourrait être menacé!

Alors, nous avons le droit d'envisager ce problème de conscience qui nous passionne tous, à savoir ce que nous devons faire pour concilier les intérêts particuliers de nos peuples, que nous ne pouvons oublier, avec ceux de la Patrie commune, de l'Humanité tout entière.

Nous avons à rentrer en nous-mêmes et à réfléchir à cette parole, que je considère comme une parole de vérité supérieure, à savoir que, de tous les intérêts vitaux que nous pouvons considérer, il y en a un qui est supérieur à tous les autres, qui englobe tous les autres, sans la défense et la protection duquel tous les autres sont en péril: l'intérêt de la Patrie commune.

Je me rappelle, lorsque je parle de drames de la conscience, les scrupules qui, autrefois, dans les Conférences de la Haye, retenaient même les représentants des peuples les plus libres, les plus animés du sens démocratique, les plus résolus à préparer la Paix. Ils se disaient: nous devons réserver cependant notre honneur et nos intérêts vitaux. C'était là peut-être ce qui retardait la formation de ce lien que nous allons nouer aujourd'hui. Nous savons maintenant

qu'il y a un intérêt vital que nous devons avant tout considérer et défendre : c'est l'intérêt de la Paix universelle fondée sur le Droit, sans laquelle aucun des intérêts les plus vitaux de nos patries particulières, grandes ou petites, ne cesserait d'être menacé et détruit.

Comment arrivera-t-on à réaliser ce qui, il y a quelques années à peine, était encore considéré comme un rêve ? Comment ce rêve apparaît-il comme une réalité prochaine dans les esprits des hommes d'État ici présents et qui sont des réalistes, ayant le droit et le devoir de ne pas se laisser aller aux théories généreuses, si séduisantes qu'elles puissent être ? Comment se fait-il qu'aujourd'hui ces hommes d'État soient assis autour de cette table, animés d'une pensée commune ?— car il n'y a pas de doute que vous voterez tout à l'heure à l'unanimité les propositions qui vous seront faites. Comment se fait-il que ces hommes d'État, ces réalistes, puissent arriver à considérer comme tangible, réalisable dans un temps prochain, ce qui, autrefois, apparaissait comme un rêve ? Si l'on se reporte à l'histoire de ces trente dernières années, notamment à cette Conférence de la Haye, dont je vous demande pardon de parler encore, on s'aperçoit que, si elle n'a pas produit tous les résultats qu'on en attendait, elle en a cependant produit un certain nombre. Les membres des divers Gouvernements peuvent se souvenir que les institutions de la Haye ont été, à trois reprises, efficaces et que, dans des différends—je n'en dis pas davantage—qui pouvaient troubler les relations entre divers États, les arbitrages de la Haye ont réussi à aplanir des difficultés et à rétablir l'harmonie. Je puis même rappeler qu'entre la France et l'Allemagne, il y eut un conflit, l'affaire de Casablanca,—dont la gravité pouvait être grande ; non seulement pour les deux pays, car, comme je le disais, les conflits partiels entraînent parfois un conflit universel,—où un arbitrage est intervenu, qui a sauvé complètement l'honneur de la France et qui a permis de ne pas tirer l'épée.

Comment donc cela n'a-t-il pas pu durer, ou plutôt, comment les institutions de la Haye n'ont-elles pas réussi à empêcher le conflit terrible dont nous sortons ? Cela tient à deux causes : vous allez, ces jours-ci même, faire disparaître l'une d'elles. Les Conférences de la Haye avaient lieu entre nombreux États, mais ceux mêmes qui étaient animés d'une véritable bonne volonté étaient bien obligés de reconnaître que, sur la carte du monde, les frontières de divers pays

n'étaient pas ce qu'elles auraient dû être : quand nous délibérions là-bas, nous ne pouvions pas, nous, Français, oublier qu'il y avait une partie de la France qui ne jouissait pas de la liberté ; vous ne pouviez pas, vous, Messieurs les Représentants du Royaume d'Italie, oublier qu'il y avait encore des provinces hors de la loi italienne. Comment vouliez-vous qu'une organisation internationale, quelque parfaite qu'elle ait pu être, fût véritablement efficace si, au moment de son application, elle devait rencontrer, comme le pied rencontre un obstacle sur la route, cette question redoutable de l'irréductibilité, comme disent nos amis d'Italie, de revendication nationale, comme nous disons ?

Vous allez établir un état de fait conforme aux principes du droit ; vous allez fixer les frontières conformément aux vœux des populations elles-mêmes et vous allez donner pour limites à chaque pays ce que doit lui donner le Droit lui-même. Alors, vous pourrez faire ce que nous n'avons pas pu accomplir. Vous y ajouterez ce que nous n'avons pas pu faire non plus, des obligations, car vous vous rappelez—ce fut un fait historique bien significatif—comment se groupèrent les divers États, et nous avons pu voir ceux qui ne venaient pas avec nous se rencontrer contre nous sur le champ de bataille ; les Alliés contre le Droit étaient déjà les Alliés contre le Droit !

Vous qui avez combattu pour le Droit, vous allez créer une organisation, établir des sanctions, en assurer l'exécution. Ayant établi l'obligation de l'arbitrage, ayant réglé d'une façon méthodique, progressive et sûre, les sanctions nécessaires pour assurer l'obéissance à la volonté commune des Nations civilisées, vous pourrez faire œuvre solide, durable, et vous pourrez entrer avec certitude et tranquillité dans le temple de la Paix.

Ce n'est pas l'heure de discuter ici les voies et moyens, mais je m'empresse de dire, au nom du Gouvernement de la République française, que tout ce qui pourra être fait pour mener aussi loin que possible sur la route l'unanimité des peuples libres, nous devons le tenter et le vouloir.

Nous ajouterons certainement aux mesures d'ordre juridique qui ont pour but de faire régner le Droit et d'assurer la liberté de chacun,—ici je me tourne vers M. le Premier Ministre italien qui disait justement : C'est une coopération à la Paix ;—vous ajouterez toutes les mesures qui constitueront entre États les coopérations nécessaires au point de

vue de ces intérêts innombrables dont je disais tout à l'heure l'interdépendance. Cette interdépendance devient chaque jour plus étroite. Et il ne s'agira pas seulement d'arrêter les conflits venant de naître, mais de les empêcher de naître.

Je crois avoir ainsi traduit le sentiment commun en n'allant pas plus loin dans mon exposé. Il me suffit d'avoir montré avec quelle ardeur profonde la France se joint à ceux qui, tout à l'heure, ont proposé la création de cette Ligue des Nations. M. le Président Wilson disait que cette question était au cœur même de l'Humanité. Cela est vrai. Il disait qu'il fallait avoir un œil constamment ouvert sur cette Humanité, un œil vigilant qui ne se ferme jamais. Eh bien, je terminerai en rappelant encore un souvenir de la Haye: Quelques-uns ont dit que nous avons entendu là les premiers battements du cœur de l'Humanité. La voici maintenant vivante, bien vivante; que, grâce à vous, elle vive éternellement!

M. Hughes (Australie) ayant demandé s'il serait possible de discuter le projet lorsqu'il sera mis au point, le Président lui répond que les membres de la Conférence auront toute liberté pour le faire.

Le Président donne successivement la parole aux Délégués de diverses Puissances, qui s'associent en ces termes au projet de résolution:

M. Lou (Chine):

Au nom de la Délégation chinoise, j'ai l'honneur d'appuyer de tout cœur la résolution proposée. La Chine, toujours fidèle à ses obligations et hautement intéressée au maintien de la paix mondiale, s'associe complètement au dessein élevé de cette résolution tendant à créer une coopération internationale, qui assurera l'accomplissement des obligations internationales contractées. Elle fournira des sauvegardes contre la guerre. Je suis heureux d'assurer à la Conférence que la République de Chine aura toujours le plus vif désir de coopérer avec les autres États à l'organisation et l'établissement d'une Ligue des Nations qui donnera à toutes, grandes et petites, les garanties effectives de leur intégrité territoriale, de leur souveraineté politique et de leur indépendance économique fondées sur une justice impartiale.

M. Dmowski (Pologne) :

Je prends la parole, non seulement pour appuyer le projet de résolution, mais pour exprimer une reconnaissance profonde pour cette grande initiative. Je le fais, non seulement comme représentant d'une partie de l'Humanité qui a souffert non moins que celles qui ont souffert le plus, et qui nourrit l'espoir que de telles souffrances ne se répéteront plus, que ce qui n'est pas détruit dans cette guerre restera conservé pour les générations pacifiques de l'avenir.

Je le fais aussi comme Représentant d'un pays situé dans la partie du monde où les sources du danger pour la paix dans l'avenir sont plus grandes qu'autre part, où, aujourd'hui, après la conclusion de l'armistice, la guerre continue, du pays qui est à l'heure présente exposé de trois côtés au danger et qui est forcé de faire la guerre sur trois fronts. Si nous avions une institution comme celle qui est proposée aujourd'hui et de nature à offrir des garanties internationales de paix, nous ne serions pas dans cette situation dangereuse.

J'exprime cette gratitude au nom du pays qui a besoin, peut-être plus que tous les autres, des garanties internationales de paix, et qui accueillera le projet de la Ligue des Nations avec le plus d'enthousiasme.

M. Hymans (Belgique) :

Messieurs, je n'ai pas demandé la parole pour discuter les idées exprimées dans le projet de résolution, auxquelles la Délégation belge, naturellement, adhère de plein cœur, et qui ont été si noblement développées dans cette Assemblée. J'ai demandé la parole seulement sur une question d'ordre pratique et qui est, je pense, d'intérêt général.

La Conférence, aujourd'hui, organise la méthode de ses travaux et sa procédure. Je voudrais demander une explication sur la dernière phrase du projet de résolution, qui vise la représentation des Puissances dans la Commission chargée d'étudier le projet de constitution d'une Ligue des Nations. Le projet dit que la Conférence nomme une Commission représentant les Gouvernements associés pour élaborer dans le détail la constitution et pour déterminer les attributions de la Ligue. . . .

Le Président répond à M. Hymans que les explications qu'il fournir lui donneront sans doute satisfaction.

Personne ne demandant la parole au sujet de la résolution sur la Société des Nations soumise à la Conférence par le Bureau, cette résolution est adoptée à l'unanimité.

Mode de nomination des Commissions. Le Président répond alors à la question soulevée par l'honorable Ministre des Affaires étrangères de Belgique, sur le mode de nomination de la Commission chargée d'élaborer le projet de constitution de la Société des Nations :

Les Grandes Puissances, conformément à la motion, ont désigné chacune deux Délégués pour faire partie de la Commission. Il a été décidé que cinq Délégués, à élire globalement par les autres Puissances, représenteraient ces Puissances dans la Commission. Ceci veut dire que vous êtes invités à vous réunir ici, par exemple le 27 janvier, si ce jour vous convient, à 2 ou 3 heures, pour vous entendre entre vous et nommer les cinq Délégués des autres Puissances.

Je ne dois pas vous cacher que nous vous demanderons un vote de même nature pour la constitution d'autres Commissions. Vous aurez donc plusieurs élections à faire à la fois.

Composition des Commissions. Sur cette question de constitution des Commissions, les Délégués d'un certain nombre de Puissances demandent la parole et exposent tour à tour le point de vue de leur pays.

M. Hymans (Belgique) :

La réponse que l'honorable Président a bien voulu me faire soulève la question de la constitution de toutes les Commissions qui vont être nommées aujourd'hui. Ceci me permettra, je pense, de m'expliquer sur la question tout entière : je le ferai très rapidement d'ailleurs.

Sauf pour la Commission chargée d'étudier la question de la réparation des dommages de guerre, le système général, d'après ce qu'a dit M. le Président, est de donner deux Délégués à chacune des Grandes Puissances, ce qui leur attribue dix Délégués, et cinq Délégués en tout à un groupe, à une collectivité formée de dix-neuf Puissances, que l'on a rangées dans la catégorie des Puissances ingénieusement dénommées "Puissances à intérêts particuliers."

Je ne veux point parler au nom des Délégués d'autres pays; je parlerai seulement au nom du mien, au nom de la Délégation belge.

On nous a donné, par exception, ainsi qu'à la Serbie, à la Grèce, à la Pologne et à la Roumanie, deux Délégués—deux à chacune de ces Puissances—dans la Commission chargée d'étudier la question de la réparation des dommages de guerre. En dehors de cette Commission, les dix-neuf Puissances dites "à intérêts particuliers" auront à nommer ensemble, d'après un système que l'on n'indique pas, qu'il faudra qu'elles trouvent, cinq Délégués: on ne dit pas si ce sera selon la représentation proportionnelle ou autrement.

Nous nous permettrons, nous, Belges, d'exposer à la Conférence le vœu que voici: d'abord, en ce qui concerne la Commission pour l'étude de la constitution de la Ligue des Nations, ensuite pour la Commission chargée d'étudier la législation internationale du travail, nous voudrions que la Conférence voulût bien accorder à la Belgique, dans chacune de ces deux Commissions, deux Délégués.

En ce qui concerne la Commission pour la constitution de la Ligue des Nations, nous pensons que nous y avons droit, en raison de notre position internationale, de notre situation politique et même géographique, qui nous a exposés, et qui peut encore nous exposer dans l'avenir, à de graves périls.

En ce qui concerne la question de la législation internationale du travail, il n'en est pas qui puisse nous intéresser davantage. La Belgique, petite par son territoire, figure au nombre des Grandes Puissances—elle y figurait, j'espère qu'elle y figurera encore dans peu de temps, après sa reconstruction,—au nombre des grandes Puissances commerciales, productrices et industrielles du monde.

Je ne fatiguerai pas la Conférence en lui produisant des statistiques; mais nous sommes, à ce point de vue, parmi les cinq ou six premières Puissances. Nous avons une population industrielle considérable. Dans certains domaines, nous sommes parmi les toutes premières: je citerai seulement l'industrie du charbon, l'industrie du zinc, la production du fer, la production de la fonte, etc. N'insistons pas.

J'estime qu'il serait équitable de donner à la Belgique, dans les deux Commissions dont je parle, une double représentation, deux Délégués.

Pour le surplus, il reste trois Commissions: l'une, au

sujet du régime des ports et des voies de communication; l'autre, qui s'occupera des crimes commis au cours de la guerre et des sanctions à prendre contre ces crimes; la troisième, enfin, sur les dommages de guerre. Mais, dans celle-ci, nous avons une représentation que nous jugeons équitable. Il n'en reste donc que deux: celle des ports et des voies de communication par fer et par eau et celle des crimes commis au cours de la guerre et des sanctions que ces crimes appellent.

Je demande qu'il soit reconnu, dès à présent, que la Belgique aura un Délégué dans chacune de ces deux Commissions et je ne crois par dépasser ainsi la limite de ce qu'il est raisonnablement permis de demander. La Belgique possède un des trois premiers ports du continent européen. Elle a un réseau de voies ferrées qui est le plus dense de l'Europe. Les besoins de sa production et de son commerce l'intéressent directement à tout le système des communications internationales. Il n'est certainement pas exagéré de demander que, pour l'étude d'un problème aussi grave, la Belgique ait un Délégué. Je demande à la Conférence de le décider.

Quant à la question des crimes commis pendant la guerre et des sanctions à y appliquer, qui pourrait contester que nous ayons droit à être représentés dans la Commission, alors que notre pays a été le premier envahi, le premier submergé par l'invasion, que sa neutralité a été violée, contrairement au traité signé par l'ennemi, alors que c'est sur notre sol, comme sur le sol serbe, qu'ont été commis quelques-uns des crimes les plus abominables que l'on puisse reprocher à l'ennemi? Je pense donc que notre demande n'est pas excessive.

Je ne parle que pour nous. Je ne veux préjudicier aux droits et aux intérêts d'aucun des autres pays. Je pense ne point les froisser en formulant cette réclamation au nom de la Délégation belge seulement.

En résumé, je demande qu'il soit attribué à la Belgique, comme dans la Commission des dommages de guerre, deux Délégués dans la Commission pour la constitution de la Société des Nations, deux Délégués dans la Commission de la législation internationale du travail, un Délégué dans la Commission relative au régime des ports et un Délégué dans la Commission constituée pour l'examen des crimes commis par l'ennemi et des sanctions à y appliquer.

Je fais appel à l'équité des Grandes Puissances et à celle de M. le Président de la Conférence.

M. Calogeras (Brésil) :

C'est avec une certaine surprise que j'entends dire à chaque instant : "Il a été décidé ceci, il a été décidé cela." Qui a pris une décision? Nous sommes une Assemblée souveraine, une Cour souveraine : il me semble que l'organe normal de nos décisions, c'est la Conférence elle-même.

Or, il résulte de ce qui vient d'être dit que des attributions ont été faites, que des représentations dans des Commissions sont prévues, sans que des intérêts extrêmement respectables aient pu se faire entendre. Il est inutile de dire que j'adhère de tout cœur au principe de la Ligue des Nations. J'ai l'honneur de représenter un pays qui, dans sa Constitution, prévoit en termes exprès l'interdiction absolue de faire aucune guerre de conquête; c'est là une idée séculaire chez nous, enracinée par la tradition. Je suis donc de tout cœur acquis à l'idée de la Ligue des Nations.

Mais si, d'un autre côté, j'envisage l'organisation projetée des Commissions et la manière dont les intérêts de mon pays peuvent y être représentés, je dois faire remarquer que nous avons des lois, je dirai même des textes d'ordre constitutionnel, qui ne nous permettent de donner à personne des pouvoirs pour nous représenter.

Je fais donc appel à l'équité de Monsieur le Président et des membres du Bureau de cette Conférence. Je leur demande que, au moins dans la Commission qui s'occupera de la Ligue des Nations, ainsi que dans celles qui doivent étudier le régime international des chemins de fer et des ports et la réparation des dommages, le Brésil ait la représentation à laquelle il croit avoir droit.

Sir Robert Borden (Canada) [dont les paroles, prononcées en anglais, sont aussitôt traduites en français] :

Je tiens à exprimer ma sympathie à l'égard des Petites Nations qui, dans la question de la Ligue des Nations, sont encore plus intéressées que les Grandes Puissances à la création de cette Ligue. Mais, en même temps, je me rends bien compte qu'il faut que le nombre des membres de Commissions comme celles qu'on se propose d'instituer soit raisonnablement limité, si l'on veut que la Conférence travaille utilement.

Je reconnais aussi que les résolutions présentées doivent, pour produire leur effet, être approuvées par la Conférence. Peut-être peut-on se permettre de dire que la forme sous la-

quelle la résolution dont je parle, relative à la Commission de la Ligue des Nations, a été présentée, n'est pas la plus heureuse. "Il a été décidé . . .", a-t-on dit. Il est naturel que les uns et les autres demandent: par qui? par quelle autorité cette décision a-t-elle été prise? J'aurais cru qu'il eût convenu plutôt de soumettre une proposition à la Conférence qui aurait décidé du nombre des membres et de la composition de cette Commission. Si l'on avait suivi cette procédure, la difficulté actuelle ne se serait pas présentée. Et, s'il m'est permis de le suggérer, j'aimerais que l'on agît de la sorte dans l'avenir.

Autant que je le comprends, il y a deux Conférences qui travaillent en même temps: la Conférence des cinq Grandes Puissances et la Conférence plénière. Je ne vois pas que, jusqu'à présent, il y ait eu une Conférence quelconque des cinq Grandes Puissances conformément à ce qui avait été décidé. Il se peut qu'il en soit ainsi; mais, néanmoins, comme nous opérons d'après des règles établies par les Représentants des cinq Grandes Puissances, il me paraît hautement désirable que nous nous y soumettions. C'est pourquoi je me permets de souhaiter que, dans l'avenir, la procédure s'inspire de ces règles.

M. Trumbitch (Serbie) :

J'ai l'honneur de déclarer, au nom de la Délégation du Royaume des Serbes, Croates et Slovènes, que nous appuyons la proposition tout à fait justifiée de l'honorable M. Hymans. En même temps, j'ai l'honneur de demander qu'il soit donné à la Délégation à laquelle j'appartiens la même représentation qu'à la Délégation de Belgique.

Il n'est pas nécessaire que je retienne longuement l'attention de la Haute Assemblée pour justifier le désir dont je me fais l'interprète; les raisons qu'invoquait tout à l'heure M. Hymans sont les mêmes à peu près que celles qui justifient notre proposition.

M. Veniselos (Grèce) :

En ce qui concerne la Ligue des Nations, je m'associe à la requête formulée par la Délégation belge, sans toutefois demander pour la Grèce le même traitement. Je reconnais que tous les Petits Pays sont des plus intéressés à l'étude de cette question; mais je dois admettre également que la situation de la Belgique est tout à fait spéciale, en raison de son

voisinage avec l'Empire allemand qui a déchaîné cette guerre, et pour les autres raisons données par M. Hymans.

Je ne demande donc pas une représentation spéciale pour mon pays dans cette Commission et me borne à déclarer que je me tiens à la disposition de cette dernière, lorsqu'elle sera constituée, pour faire connaître mes idées à cet égard.

En ce qui concerne la réparation des dommages, je dois remercier les Grandes Puissances pour la représentation qu'elles ont accordée à mon pays.

Quant à la responsabilité des auteurs de la guerre, je demande que l'on donne également à la Grèce un Représentant, eu égard à ce fait que nous avons à déplorer la perte de 3 à 400,000 hommes de nationalité grecque dans l'Empire ottoman. Il serait donc juste, semble-t-il, que nous soyons représentés, afin de pouvoir soumettre à cette Commission, puis à la Conférence, notre point de vue spécial sur cette question.

Je ne demande pas que mon pays soit représenté d'une façon spéciale dans la Commission relative à la législation internationale du travail, car d'autres nations sont peut-être plus intéressées que la nôtre dans cette question.

Il serait bon, enfin, de nous accorder un Représentant dans la Commission du contrôle internationale des ports, non seulement en raison de l'importance maritime de mon pays et de l'intérêt spécial que cette question offre pour lui, mais encore en raison de ce fait que, même dans le territoire actuel de la Grèce, certains points pourraient être visés par cette partie du programme de la Conférence. Il serait donc juste que la Grèce pût, à ce point de vue, être autorisée à faire connaître ses desiderata.

Je ne crois pas inutile de rappeler, en terminant, que dans des rapports que j'ai eu l'honneur de soumettre à la Conférence touchant les réclamations territoriales de mon pays, je me déclarais prêt à accepter que les pays riverains de la mer puissent donner toutes les facilités possibles aux pays qui, placés derrière eux, n'ont pas un accès si facile à la mer.

Le Comte de Penha Garcia (Portugal) :

Vous me permettrez de présenter quelques observations sur une question qui intéresse également les Petites et les Grandes Puissances. J'attire d'abord votre attention sur un fait essentiel qui découle d'ailleurs de tous les discours si élevés qui viennent d'être entendus par cette Assemblée.

Il est certain que la Ligue des Nations, question d'une si grande importance soulevée par les Grandes Puissances et qui intéresse à un si haut degré les pays moins forts, doit inspirer, surtout à ces derniers, une confiance absolue en ce qui concerne l'avenir. Il est certain également que le respect de nos droits, que les décisions que nous aurons à prendre, que la cordialité de nos rapports dans cette Assemblée constitueront une sorte d'avant-goût de cette Société des Nations à laquelle nous venons d'être invités. Je suis certain que cette considération présidera aux propositions des Grandes Puissances et que nos décisions seront inspirées de la hauteur de vues et de l'esprit d'équité supérieur qui doivent présider à la Ligue des Nations.

Il ne faut cependant pas s'exagérer l'importance de la question de la représentation dans les Commissions, car il ne s'agit au fond que d'une méthode de travail, et les personnes qui ont proposé cette méthode ont cru bien faire en la proposant, parce qu'elle présente des avantages incontestables.

Certes, les grandes Commissions sont plus difficiles à diriger, leur travail est parfois un peu lent; mais, il ne faut pas l'oublier, les travaux de ces Commissions doivent être d'une telle importance pour chacun des pays intéressés que, peut-être au fond, le danger que l'on veut éviter vaut la peine d'être couru. Peut-être vaut-il mieux s'arranger de telle manière que, dans chaque Commission, tous les intérêts soient représentés et puissent se faire connaître, afin d'obtenir, un peu plus lentement sans doute, un résultat plus certain et qui nous permettra de venir, avec des précisions plus grandes et moins d'imprévu, en séance plénière.

J'appelle tout particulièrement l'attention de Monsieur le Président, dont les qualités de cœur et d'équité constituent pour nous une double garantie, sur ce point dont l'importance, en ce qui concerne mon pays, ne lui a certainement pas échappé.

Pour la Commission des réparations, la non-représentation du Portugal est due certainement à un oubli, étant donné que les autres pays ayant des intérêts particuliers à cet égard y sont tous représentés, ce dont je suis fort heureux d'ailleurs. Je rends hommage aux souffrances et à l'endurance de tant de pays victimes d'une agression dont la brutalité a soulevé l'indignation universelle.

Je demande toutefois la permission de faire observer que

la situation du Portugal est tout à fait analogue, que nous avons versé notre sang en France pour la cause du Droit et de la Justice, que nous avons eu des territoires envahis en Afrique, que nous sommes à moitié, je pourrais même dire complètement, ruinés par notre effort pour la guerre. Nous ne le regrettons pas, mais pourquoi donc ne serions-nous pas entendus, pourquoi ne serions-nous pas représentés, nous aussi, dans une Commission chargée de l'étude des réparations? Encore une fois, il s'agit là, il me semble, d'un simple oubli.

En ce qui concerne les autres Commissions, celles relatives au régime des ports, à la Société des Nations, aux questions du travail, à la sanction des responsabilités de la guerre, offrent également un intérêt indiscutable pour le Portugal. Mais, d'une façon générale, je demande que le Bureau veuille bien faire droit aux désirs si légitimes de tous les pays qui sont représentés à la Conférence, de pouvoir faire entendre leur voix partout où ils ont un intérêt particulier à défendre, d'être représentés aux Commissions, de bien vouloir placer tous ces pays sur le même pied que les autres par rapport à leurs droits.

M. Benes (Tchéco-Slovaques) :

Sans entrer dans le détail de la question relative à la nomination des Représentants dans les Commissions, je demande la permission de présenter à la Conférence les considérations suivantes :

La Délégation tchéco-slovaque demande à être représentée dans la Commission chargée d'étudier la question des réparations et dans celle de la responsabilité des Empires centraux. Nous appuyons cette proposition pour la raison suivante :

La République tchéco-slovaque est particulièrement intéressée dans toutes les questions qui touchent à la liquidation financière et économique de l'ancien Empire austro-hongrois, car son territoire en constituait les régions les plus industrielles. Il serait donc impossible de traiter ces questions sans nous permettre d'apporter les éléments d'informations dont nous disposons à cet égard.

Notre Délégation porte également un intérêt spécial à la question des voies internationales, terrestres et fluviales. Notre pays, en effet, n'a pas d'accès à la mer, et il est d'une extrême importance, pour notre future situation interna-

tionale, de savoir quel sera le régime de ces grandes voies de communication et surtout de participer à la discussion relative au régime des chemins de fer internationaux, des voies fluviales et des ports. C'est pourquoi nous demandons à être représentés dans la Commission chargée d'étudier ces questions.

La question de la Ligue des Nations présentant également un intérêt majeur pour les pays entourés de tous côtés comme le nôtre par les Puissances qui nous étaient toujours hostiles, nous demandons qu'un Représentant nous soit accordé dans la Commission compétente.

En résumé, nous prions la Conférence de nous accorder un Représentant pour chacune des trois Commissions appelées à discuter des questions présentant pour notre République un intérêt particulier.

M. Bratiano (Roumanie) :

Le Représentant de la Belgique, quoique déclarant ne parler qu'au nom spécial des intérêts belges, a soulevé une question de principe qui est trop sentie par la Roumanie pour que ce pays puisse passer sous silence son adhésion à cette manière de voir.

Je veux, pour le moment, me borner à constater l'importance que ces principes présentent pour des États tels que la Roumanie, sans entrer dans le détail de chacune des questions qui, je l'espère, pourra être précisé dans une discussion supplémentaire. En passant cependant, je ferai remarquer qu'en ce qui regarde au moins l'une de ces questions, celle des voies internationales, la Roumanie est aux bouches du Danube, d'un grand fleuve qui intéresse les communications de toute une partie de l'Europe et que, par conséquent, elle y a des intérêts très particuliers.

Mais je ne veux pas perdre de vue qu'à l'heure actuelle il s'agit de la Ligue des Nations et que ce serait mal manifester l'intérêt que la Roumanie a pour l'institution de cette Ligue que de ne pas me joindre aux exposés qu'ont faits les Délégués des pays qui ont pris la parole avant moi. Il est certain que, dans la représentation d'une telle Ligue, on a eu en vue les proportions des forces de chaque État; il serait juste de considérer, en même temps que ces forces, les intérêts qui attachent chaque État à l'institution de cette Ligue, et alors trouverait-on peut-être que les petits États y ont plus d'intérêts que les grands.

Il faudrait tenir compte pour la représentation dans la Ligue de ce double point de vue.

C'est pour exprimer l'intérêt que la Roumanie attache aux principes de cette Ligue que ce pays demande à être représenté dans cette Commission.

Phya Bibadh Kosha (Siam) :

Permettez-moi de demander, au nom de la Délégation siamoise, si les Représentants des pays qui pourraient avoir la malchance de ne voir compris dans le nombre des cinq délégués à élire par les autres nations aucun de leurs propres délégués auront le droit ou l'occasion d'assister aux travaux des Commissions qui seront chargées de traiter les affaires intéressant directement le pays qu'ils représentent, telles que celle de la Ligue des Nations et du contrôle international des ports, des voies ferrés et des voies d'eau.

M. Lou (Chine) :

Je désire également faire appel à l'esprit d'équité des membres de la Conférence pour que les Délégués techniques puissent largement contribuer aux travaux des différentes Commissions. On a exprimé le désir, au point de vue de la représentation par des Délégués, que le principe de l'égalité des États soit la base de la Ligue des Nations. J'exprime également le désir de voir la Délégation de Chine représentée dans les Commissions de législation du travail et des voies de communication. La Chine a, en effet, envoyé à peu près 156,000 ouvriers chinois en France pendant la guerre, dont à peu près 120,000 dans les camps anglais; tous ces ouvriers ont, indirectement, contribué à l'heureuse issue de la guerre actuelle.

D'autre part, la Chine possède une très longue côte maritime et son réseau de chemins de fer, qui la met en communication avec trois Grandes Puissances voisines, aura un très grand essor après la guerre. C'est pour ces raisons que je demande que la Délégation chinoise soit représentée dans les deux Commissions que je viens d'indiquer.

Peut-être me sera-t-il permis de faire une suggestion. J'ai entendu dire par notre honorable Collègue qui représente le Brésil: "La Conférence a décidé ceci, la Conférence a décidé cela . . . ". J'ai personnellement l'expérience de deux Conférences de la Paix, et, tout à l'heure, M. Léon Bourgeois a bien voulu y faire allusion. J'espère que la présente Conférence fera une œuvre beaucoup plus intéressante et beaucoup

plus humanitaire en consacrant les efforts des deux premières, dans lesquelles une liste des Délégués avait été établie dans les bureaux et où chaque Délégation s'intéressant au travail d'une Commission avait le droit de désigner un ou deux membres pour y siéger.

Voilà la suggestion que je me permets de faire à la Conférence.

M. Dmowski (Pologne) :

En raison de l'étendue du territoire polonais, du chiffre de sa population, et du développement économique du pays, en raison aussi de ses intérêts politiques et de la situation géographique très importante de ce pays, je me permets de penser que la Pologne devrait avoir le droit d'envoyer un Délégué à toutes les Commissions où elle le jugerait utile.

J'ai pris la parole pour m'associer aux membres de l'Assemblée qui se sont opposés à la façon dont on propose d'élire ces cinq Délégués des Puissances à intérêts particuliers. La multitude des voix qui viennent de s'élever démontre que la tâche de la réunion des Délégués des Puissances secondaires serait très difficile, que la discussion entre eux causerait, d'abord, une grande perte de temps et, ensuite, ne contribuerait pas à créer une harmonie entre eux. Je me permettrai de proposer que chaque Délégation fasse une demande écrite et motivée sur le nombre de Représentants qu'elle désire envoyer à chaque Commission. Je propose également qu'il y ait une Commission supérieure à toutes les autres pour statuer en dernier ressort sur la composition de chacune d'elles. Nous accepterions par avance ses décisions, convaincus que les intérêts de toutes les Puissances, quelles qu'elles soient, seraient pris par elle en sérieuse considération.

Le Président répond en ces termes aux observations et aux suggestions des Délégués :

Puisque personne ne demande plus la parole, je la prendrai à mon tour pour essayer de justifier le Bureau. Il en a besoin, car s'il avait jamais pensé qu'il pût satisfaire tout le monde, il serait aujourd'hui pleinement détrompé.

Sir Robert Borden nous a reproché très amicalement d'avoir décidé. Oui, nous avons décidé, en ce qui concerne les Commissions, comme nous avons décidé de convoquer la Conférence actuelle. Avec votre assentiment, je

me permets de rappeler que c'est nous qui avons décidé qu'il se réunirait une Conférence à Paris et que les Représentants des pays intéressés y seraient convoqués. Je n'en fais pas mystère: il y a une Conférence des Grandes Puissances qui délibère dans une salle voisine. Sir Robert Borden peut d'autant moins l'ignorer qu'il nous a fait hier le très grand honneur de venir déposer devant nous sur les questions intéressant les Colonies britanniques.

Les cinq Grandes Puissances, dont l'action doit être justifiée aujourd'hui devant vous, sont en mesure de le faire. Tout à l'heure, le Premier Ministre de la Grande-Bretagne me rappelait qu'au jour où la guerre a cessé, les Alliés avaient sur les champs de bataille douze millions de soldats combattants: c'est un titre.

Nous avons perdu des morts, nous avons des blessés qui se comptent par millions, et si nous n'avions pas eu devant nous la grande question de la Ligue des Nations, peut-être aurions-nous été égoïstement conduits à ne consulter que nous-mêmes. C'était notre droit.

Nous n'avons pas voulu le faire et nous avons convoqué l'universalité des Nations intéressées. Nous les avons convoquées, non pas pour leur imposer nos volontés, non pas pour leur faire faire ce qu'elles ne veulent pas faire, mais pour leur demander leur concours. Voilà pourquoi nous les avons invitées à venir ici. Mais encore faut-il savoir la manière de mettre en œuvre ce concours.

M. Lloyd George a eu la cruauté de rappeler, il y a quelques jours, que je n'étais plus très jeune. Je suis entré dans les Assemblées parlementaires en 1871 pour le première fois; j'ai vu beaucoup de comités, beaucoup de commissions, j'ai assisté à beaucoup de délibérations, et j'ai remarqué, comme la plupart d'entre vous ont pu le faire, que plus les comités sont nombreux, moins il y a de chances d'aboutir.

Or, Messieurs, permettez-moi de vous le dire: derrière nous, il y a une chose très grande, très auguste, très impérieuse à de certaines heures, qui s'appelle l'opinion publique. Elle ne nous demandera pas si tel ou tel État a été représenté dans telle ou telle Commission; cela n'intéresse personne. Elle nous demandera si nous avons abouti et ce que nous avons fait pour la Ligue des Nations si éloquemment revendiquée aujourd'hui par M. le Président Wilson, M. Lloyd George, M. Bourgeois et M. Orlando.

Quel crime avons-nous commis? Nous avons décidé que, pour nous, nous nommerions chacun deux Délégués à

la Commission de la Ligue des Nations. Je demande à M. Hymans et à tous ceux qui l'ont suivi la permission de rester dans la question. Aussitôt que, par libéralisme, je lui ai permis d'en sortir, aussitôt que la porte fut ouverte, tout le monde s'est précipité et on a tout discuté, hormis ce qui était en discussion. Mon devoir est de conduire les travaux de la Conférence pour les faire aboutir à une fin.

Nous avons donc décidé de nommer chacun deux Délégués, puis, qu'on me le pardonne, nous avons décidé de vous inviter à nommer en bloc cinq Délégués.

Si vous ne trouvez pas que ce soit assez, je ne prendrai pas sur moi de décider entre vous tous, puisque chacun demande un supplément; mais je ferai une proposition: c'est de nous nommer tous, de sorte que chacun au moins aura son droit.

Qu'est-ce à dire? est-ce qu'un droit a été dénié à une Puissance quelconque? Vous connaissez tous le fonctionnement des Comités, vous avez le droit d'aller devant tous les Comités qu'il vous plaira. M. Bourgeois, qui est ici, n'est pas un plénipotentiaire. Il a pris la parole avec l'autorité qui lui appartient, et vous avez été heureux de l'entendre. J'ai entendu M. Veniselos et un grand nombre d'entre vous dire: "Notre voix ne sera pas entendue." Comment pouvez-vous nous faire un pareil reproche? Votre voix sera d'autant mieux entendue que nous constituons un organe pour vous entendre. Vous pouvez être entendus dans toutes les Commissions et dans tous les Comités et, enfin, n'êtes-vous pas sûrs que votre voix aboutira à la Conférence, puisque vous-mêmes y serez présents et pourrez y prendre la parole?

Songez, Messieurs, aux conséquences des propositions qui nous sont faites. Comme le disait tout à l'heure M. Dmowski, les demandes seront faites par écrit; nous rassemblerons ces écrits et nous passerons ensuite une ou deux heures dans notre Comité pour trouver la meilleure manière de sortir de ces embarras. Mais cela n'est rien encore; ce qu'il faut, ce sont des résultats tangibles. L'armistice maintient encore un grand nombre de millions d'hommes sur le front: il faut décider sur des questions, non de procédure, mais de fond. Je demande que chacun d'entre vous réfléchisse aux conséquences des propositions qui nous viennent de tous les points de l'Assemblée. Si nous abandonnons aujourd'hui la question de fond pour nous livrer à des débats sur la procédure, je crois pouvoir affirmer que dans

huit, quinze jours, rien ne sera résolu, et la question de fond n'aura pas été examinée.

Or, le public attend. Cette situation me paraît impossible. Je demande avec M. Dmowski que ceux d'entre vous qui ont des observations à faire les renvoient au Bureau. Mais je ne demande pas qu'un Comité spécial prononce.

Pourquoi ne dirais-je pas ce que je pense? . . . Je ne reconnais pas au Comité le droit d'imposer sa volonté à ces cinq Puissances. J'ai le mérite de dire ma pensée: je suis pressé d'aboutir et je voudrais bien qu'aujourd'hui vous prononciez.

Permettez-moi de faire une observation qui pourrait provisoirement concilier tout le monde. Vous pourriez voter les propositions que nous vous présentons aujourd'hui, en réservant un droit d'amendement qui est dans la liberté de toutes les Assemblées. Ne sortons pas d'ici, Messieurs, sans avoir émis des votes positifs, et ce soir même, M. le Président Wilson, M. Bourgeois, Lord Robert Cecil, tous ces Messieurs se mettront à l'œuvre et, dès demain, les Commissions commenceront de fonctionner. Mon but, qui est aussi celui de mes Collègues des autres Puissances, est d'organiser des Commissions le plus tôt possible afin de leur donner du travail. Tous ceux d'entre vous qui voudront paraître devant elles iront; celui qui aura des modifications à présenter les demandera; suivant la proposition de M. Dmowski, elles seront étudiées et feront l'objet de rapports. Nous aurons au moins l'avantage de commencer la besogne immédiatement.

Nous vous proposons de nommer un certain nombre de Commissions. Il y en aura deux à nommer à la prochaine séance, l'une économique, l'autre financière; après quoi, toutes les Commissions seront au travail, l'ordre du jour sera attaqué de façon utile, la discussion efficace sera commencée.

Je vous demande pardon, Messieurs, de parler si longtemps, mais toutes ces observations m'ont paru nécessaires. Songez à la besogne immense qui nous attend; songez-y. M. le Président Wilson l'a dit tout à l'heure dans une admirable phrase qui résume toute la question: nous pouvons dire qu'avec nos soldats nous n'avons pas voulu seulement gagner la guerre, mais gagner une cause. Cette cause, nous en avons le poids, la responsabilité, dans les mains. Certes, les questions de procédure ont aussi leur importance: elles seront réglées en cours de route. Si on ne trouve pas

que le nombre des Commissions soit suffisant, on l'augmentera,—nous vous laissons pleine liberté pour cela;—mais rappelez-vous, Messieurs, que plus les Commissions sont nombreuses et moins on aboutit.

Messieurs, depuis que je suis dans ces discussions, j'ai fait le sacrifice d'un certain nombre d'opinions personnelles. Je l'ai fait gaiement, avec la sensation que je faisais quelque chose de bien et d'utile à la cause commune. C'est la réflexion que je me faisais en entendant tout à l'heure les nobles paroles de M. le Président Wilson et de M. Lloyd George.

Soyons tous, Messieurs, animés du même esprit; le Bureau n'a songé à nuire à qui que ce soit au monde: au contraire, il voudrait vous réunir tous dans le même faisceau. Commençons donc immédiatement le travail; pendant ce temps, les réclamations seront présentées et votre Bureau sera à même de travailler.

M. Hymans (Belgique) déclare ne rien vouloir dire de plus, afin de ne point donner prise aux reproches du Président de la Conférence, et se borne à la simple observation suivante:

Je propose purement et simplement que la Conférence vote les résolutions qui lui sont soumises. Le Bureau a entendu les observations qui se sont produites dans cette Assemblée. Comme je l'ai dit tout à l'heure, j'ai confiance dans son équité et je viens lui demander d'en tenir compte, de revoir la composition des Commissions et d'arbitrer.

M. Klotz (France) dépose sur le bureau de la Conférence, pour être renvoyé à la Commission qui vient d'être instituée, le projet d'une section financière de la Société des Nations.

Le Président soumet à la Conférence les résolutions relatives à la constitution des quatre autres Commissions prévues à l'ordre du jour, et pour lesquelles les Puissances à intérêts particuliers ont à nommer leurs Délégués.

Il rappelle que la deuxième Commission est chargée d'étudier la responsabilité des auteurs de la guerre et les sanctions (Annexe II) et que les Petites Puissances ont à élire cinq Représentants dans cette Commission.

2°

Commission
des

responsabilités.

Répondant à une observation de M. Calogeras (Brésil) au sujet du nombre de Représentants de son pays, le Président fait remarquer que le Brésil n'a pas à se plaindre du nombre de Délégués qui lui ont été accordés et que ce n'est pas parce que l'on ne fait pas partie d'une Commission qu'on n'a pas les mêmes droits que ceux qui la composent.

3° Commission des réparations. A la troisième Commission, qui a pour objet la réparation des dommages (Annexe III), la Belgique, la Grèce, la Pologne, la Roumanie et la Serbie sont invitées à désigner chacune deux Représentants.

Sur le texte de la résolution relative à cette Commission, M. Klotz (France) fait observer qu'il semble y avoir une lacune non sans importance. Il y est dit que cette Commission aura à examiner diverses questions: 1° le montant des réparations que les Puissances ennemies devront payer; 2° leur capacité de payement; 3° la méthode, la forme et l'époque à laquelle ce payement devra être effectué. A ce dernier paragraphe, il conviendrait d'ajouter: "et les garanties qui devront en assurer l'exécution."

L'amendement proposé par M. Klotz est renvoyé à l'examen du Bureau.

4° et 5° Commissions du travail et des ports. Pour la quatrième (Législation internationale du travail,—Annexe IV) et la cinquième Commission (Régime international des ports, voies d'eau et voies ferrées,—Annexe V), les Puissances à intérêts particuliers auront à désigner pour le moment cinq Délégués.

Date du scrutin. Le Président propose que ces désignations aient lieu le 27 janvier.

M. Hymans (Belgique) ayant demandé que le Secrétariat examine la question et prenne une décision quant au nombre de Représentants à désigner, le Président répond que c'est une question de la compétence du Bureau et non du Secrétariat. Il ajoute:

Je demande qu'on laisse au Bureau sa liberté d'action. Si vous ne voulez pas nommer vos Délégués maintenant, si

vous préférez attendre, soit; mais permettez-moi de vous dire qu'il y a, en ce moment, des questions graves qui nous absorbent: la question polonaise est au premier rang; lundi, nous avons des Délégués à entendre. Si vous demandez que l'élection soit ajournée, elle le sera, mais je suis obligé de vous dire que les Délégués des Grandes Puissances ne se considéreront pas comme ajournés eux-mêmes et il n'y aura d'avantages pour personne.

Pour nous, nous croyons que la besogne presse et nous demandons le concours de toute la Conférence pour nous aider à aboutir.

M. Hymans (Belgique) déclare être d'accord et demande l'arbitrage du Bureau; on se référera à sa décision.

M. Bratiano (Roumanie) reconnaît que tout le monde est d'accord pour accepter de se réunir le 27 janvier à l'effet de nommer des Délégués qui pourront se mettre tout de suite au travail, maintenant qu'il est possible de faire examiner les principes.

Le Président met aux voix la proposition du Bureau: que les Délégués des Puissances à intérêts particuliers se réunissent le 27 janvier, à 15 heures, pour élire leurs Représentants.

Cette proposition mise aux voix est adoptée.

Voir, à l'Annexe VI, le procès-verbal de la séance du 27 janvier, et, à l'Annexe VII, la liste des membres des cinq Commissions.

Le Président demande à ceux des membres de la Conférence qui auraient des déclarations à faire à propos des Délégués de vouloir bien les présenter au Bureau.

La séance est levée à 18 heures 10.

Le Président:
G. CLEMENCEAU.

Le Secrétaire général:

P. DUTASTA.

Les Secrétaires:

J. C. GREW,
M. P. A. HANKEY,
PAUL GAUTHIER,
ALDROVANDI,
SADAO SABURI.

Annexes au Protocole No. 2.

ANNEXE I.**PROJET DE RÉSOLUTION
RELATIF
À LA SOCIÉTÉ DES NATIONS.**

La Conférence, ayant examiné les propositions relatives à la création d'une Société des Nations, décide que :

a. Il est essentiel, pour le maintien du statut mondial que les Nations associées ont maintenant à établir, de créer une Société des Nations, organe de coopération internationale qui assurera l'accomplissement des obligations internationales contractées et fournira des sauvegardes contre la guerre.

b. Cette Société, dont la création ferait partie intégrante du Traité général de paix, devrait être ouverte à toute Nation civilisée à qui on pourrait se fier pour en favoriser les desseins.

c. Les membres de la Société se réuniraient périodiquement en Conférence internationale; ils auraient une organisation permanente et un Secrétariat pour suivre les affaires de la Société dans l'intervalle des Conférences.

La Conférence nomme en conséquence une Commission représentant les Gouvernements associés pour élaborer, dans le détail, la constitution et les attributions de la Société.

ANNEXE II.

PROJET DE RÉSOLUTION

RELATIF

À LA RESPONSABILITÉ DES AUTEURS DE LA GUERRE
ET SANCTIONS.

Qu'une Commission, composée de deux Représentants pour chacune des cinq Grandes Puissances et de cinq Représentants à élire par les Petites Puissances, soit nommée pour faire une enquête et un rapport sur les points suivants :

- 1° Responsabilité des auteurs de la guerre ;
- 2° Faits concernant les violations des lois et coutumes de la guerre commises par les forces de l'Empire allemand et de ses alliés sur terre, sur mer et dans les airs au cours de la présente guerre ;
- 3° Degré de responsabilité pour ces crimes visant des membres, pris en particulier, des forces ennemies, y compris des membres des États-Majors généraux et d'autres individualités, si haut placées qu'elles soient ;
- 4° Constitution et procédure du Tribunal approprié pour mettre en jugement ces crimes ;
- 5° Toutes autres affaires analogues ou connexes aux points mentionnés ci-dessus qui pourraient apparaître au cours de l'enquête et que la Commission jugera utile et convenable de prendre en considération.

ANNEXE III.

PROJET DE RÉSOLUTION

RELATIF

À LA RÉPARATION DES DOMMAGES.

Qu'une Commission de trois Représentants au plus pour chacune des cinq Grandes Puissances et de deux Représentants au plus par Puissance, pour la Belgique, la Grèce, la Pologne, la Roumanie et la Serbie, soit nommée en vue d'étudier et de présenter un rapport :

- 1° Sur le montant des réparations que les Puissances ennemies devront payer;
- 2° Sur leurs capacités de paiement;
- 3° Sur la méthode, la forme et l'époque à laquelle ce paiement devra être effectué.

ANNEXE IV.

PROJET DE RÉOLUTION

RELATIF

À LA LÉGISLATION INTERNATIONALE DU TRAVAIL.

Qu'une Commission, composée de deux Représentants pour chacune des cinq Grandes Puissances et de cinq Représentants à élire par les autres Puissances représentées à la Conférence de la Paix, soit nommée pour faire une enquête sur les conditions de l'emploi des travailleurs, envisagé au point de vue international, et examiner les moyens internationaux nécessaires pour assurer une action commune sur les sujets touchant les conditions de l'emploi des travailleurs, et pour proposer la forme d'une institution permanente destinée à poursuivre lesdits enquête et examen en coopération avec la Société des Nations et sous sa direction.

ANNEXE V.

PROJET DE RÉOLUTION

RELATIF

AU RÉGIME INTERNATIONAL DES PORTS, VOIES D'EAU ET VOIES FERRÉES.

Q'une Commission, composée de deux Représentants pour chacune des cinq Grandes Puissances et de cinq Représentants à élire par les autres Puissances, soit nommée pour faire une enquête et un rapport sur :

Le régime international des ports, voies d'eau et voies ferrées.

ANNEXE VI.

PROCÈS-VERBAL DE LA RÉUNION

TENUE

PAR LES REPRÉSENTANTS DES PUISSANCES À INTÉRÊTS
PARTICULIERS

LE 27 JANVIER 1919.

La séance est ouverte, à 15 heures, sous la présidence de M. Jules Cambon, Délégué de France, Président.

Sont présents :

Pour la Belgique :

M. Hymans ;

M. van den Heuvel ;

M. Vandervelde.

Pour la Bolivie :

M. Ismaël Montes.

Pour le Brésil :

M. Olyntho de Magalhaes ;

M. Pandia Calogeras.

Pour la Chine :

M. Lou Tseng Tsiang ;

M. Suntchou Wei, Envoyé extraordinaire et Ministre plénipotentiaire de Chine à Bruxelles.

Pour Cuba :

M. Rafael Martinez Ortiz.

Pour l'Équateur :

M. Dorn y de Alsua.

Pour la Grèce :

M. Nicolas Politis ;

M. Athos Romanos, Envoyé extraordinaire et Ministre plénipotentiaire de S. M. le Roi des Hellènes à Paris, Délégué technique.

Pour Haïti :

M. Tertullien Guilbaud, Envoyé extraordinaire et Ministre
plénipotentiaire d'Haïti à Paris.

Pour le Hedjaz :

M. Rustem Haïdar.

Pour le Pérou :

M. Francisco Garcia Calderon.

Pour la Pologne :

M. Roman Dmowski.

Pour le Portugal :

Le Docteur Egas Moniz ;

Le Comte de Penha Garcia.

Pour la Roumanie :

M. Jean J. C. Bratiano ;

M. Nicolas Misu.

Pour la Serbie :

M. Pachitch ;

M. Trumbitch ;

M. Vesnitch.

Pour le Siam :

Le Prince Charoon ;

Phya Bibadh Kosha.

Pour la République tchéco-slovaque :

M. Charles Kramar ;

M. Édouard Benes.

Pour l'Uruguay :

M. Juan Carlos Blanco.

Le Président expose en ces termes l'objet de la réunion :

Le Président de la Conférence m'a fait l'honneur de me désigner pour présider la réunion des Délégués des Puissances à intérêts particuliers qui doivent arrêter les noms de leurs Représentants dans les différentes Commissions, dont la liste a déjà été fixée. D'autres Commissions seront nommées postérieurement.

Pour aujourd'hui vous êtes appelés à vous prononcer sur la composition de quatre Commissions.

Je crois que tous les membres présents parlent ou comprennent le français; je vous propose donc de décider qu'il ne sera pas fait de traduction des paroles qui seront prononcées ici.

(La Réunion, consultée, donne son assentiment à cette proposition.)

En ce qui concerne la désignation des Délégués dans les Commissions, il me semble que le plus simple est de suspendre la séance, afin de vous permettre de vous entendre entre vous. Nous ouvririons le scrutin à la reprise de la séance.

M. Kramar (Tchéco-Slovaques) demande la parole à l'effet de proposer un compromis :

Je comprends fort bien l'idée qui a guidé M. Clemenceau, à la dernière séance, lorsqu'il nous a dit qu'il serait inutile d'avoir des Commissions composées d'un trop grand nombre de membres. Tous ceux qui, comme lui, ont l'expérience des choses parlementaires en sont persuadés.

Je suis d'avis, conformément à cette opinion, que les Commissions devraient être composées, en effet, de quinze membres. Je demande cependant qu'il soit fait une exception pour l'une d'entre elles qui me paraît d'une importance particulière. Je veux parler de la Commission de la Ligue des Nations. Je sais bien que rien ne sera décidé définitivement en commission; mais nul de nous n'ignore que, quand une mesure a été admise en commission, il est difficile qu'une décision en sens contraire soit prise en séance plénière.

Or, aucun préjudice ne pourrait être causé à l'idée de la Ligue des Nations si les Petites Puissances étaient représentées dans la Commission. Pour cette raison, et puisque M. Clemenceau a déclaré publiquement que le nombre n'était pas une chose sacro-sainte et devant laquelle il fallait s'incliner, j'ai pensé que nous pourrions modifier le nombre des Délégués à cette importante Commission. Il serait possible de décider qu'elle serait composée de vingt-cinq membres: quinze représentant les Grandes Puissances et dix les Puissances à intérêts particuliers. De la sorte, il ne pourrait subsister aucune espèce d'amertume dans l'esprit des Délégués de ces dernières.

Les autres Commissions resteraient composées de quinze

membres: dix aux Grandes-Puissances et cinq aux Puissances à intérêts particuliers.

Tel est le compromis que je désirais proposer.

Le Président déclare retenir les observations extrêmement intéressantes présentées par M. Kramar. Il ajoute:

Vous vous souvenez certainement qu'à la dernière séance plénière, M. le Président de la Conférence a eu soin de faire remarquer que tous les Délégués qui voudraient faire entendre leur voix dans les Commissions le pourraient comme ils le voudraient.

A l'heure actuelle, je ne pense pas que nous, qui ne sommes ici qu'une fraction de la Conférence, nous puissions modifier de notre propre autorité ce qui a été décidé par la Conférence dans sa dernière séance. La proposition qui vient d'être faite par M. Kramar pourra être portée à la prochaine séance plénière. Aujourd'hui, nous ne pourrions pas en délibérer sans sortir du mandat que nous avons à remplir. La seule chose à faire pour nous est de nous tenir dans les règles qui nous ont été tracées par la Conférence et de passer au vote.

Le mieux, à mon sentiment, serait de suspendre la séance pour que vous vous entendiez entre vous sur les choix que vous désirez faire.

M. Calogeras (Brésil), demandant la parole, s'exprime ainsi:

Je désire, en premier lieu, féliciter cette Assemblée restreinte d'avoir à sa tête, comme Président, l'homme d'État illustre qu'est M. Jules Cambon. Qu'il me soit permis ensuite de préciser certaines questions.

Si je ne me trompe, à la dernière réunion plénière de la Conférence, il a été dit, comme le rappelait M. Kramar, que la composition des Commissions, au point de vue du nombre, était une chose acquise *si et in quantum*. Il a été dit également que toutes les réclamations—justifiées naturellement—relatives à l'augmentation du nombre des membres de ces Commissions seraient réservées pour une séance ultérieure.

Je crois me souvenir que, déjà, certaines réclamations se sont fait entendre: il faudra au moins qu'elles soient étudiées.

Il est évident que nous ne pouvons pas, en ce moment, faire plus que ce qui a été décidé. Mais il doit être bien entendu, il doit être bien clair que c'est là une solution pro-

visoire, jusqu'à ce qu'il ait été statué sur l'augmentation du nombre des membres des Commissions.

Je vous demande pardon de m'étendre un peu longuement: je tâcherai de résumer mes observations.

J'ai une certaine expérience des Conférences internationales, ayant siégé à plusieurs reprises comme Représentant du Brésil dans les Conférences panaméricaines. Or, mon expérience ne coïncide pas tout à fait avec ce qui a été dit ici. Dans les grands débats parlementaires, on sait que la majorité oblige, par son vote, la minorité et que, au surplus, les Commissions ne sont pas toujours des modèles de travail. Nous le savons tous; je suis moi-même un parlementaire. Mais, dans une Assemblée comme celle-ci, qui est une Conférence internationale, où il n'y a ni majorité ni minorité, les votes doivent être acquis à l'unanimité, parce que, comme sanction finale, il y a la signature des accords où s'établit le droit conventionnel.

Il est évident qu'il y a certaines difficultés qui se rapportent à la publicité, à la très grande publicité, nécessaire d'ailleurs, de nos débats. En séance plénière, il intervient une question d'orgueil humain. Une Nation qui s'est exprimée dans un certain sens ne pourra pas facilement se dédire ou arriver à un compromis quelconque; tandis que, dans les Commissions, où l'intimité est beaucoup plus grande, où l'on discute avec plus de chaleur, mais aussi avec plus de liberté, les accords sont beaucoup plus faciles et plus simples que lorsqu'ils dépendent d'un vote à obtenir devant la Conférence plénière.

Par-dessus le marché, évidemment, on ne peut pas exiger qu'entre tant de Représentants des différents États, entre tant de mandataires porteurs de directives diplomatiques diverses, on puisse obtenir d'emblée l'accord indispensable pour les solutions nécessaires. Par cela même que la publicité est beaucoup plus grande en séance plénière, vous comprenez que toute divergence, même des divergences qui peuvent n'être que de détail et sans grande importance réelle, dès qu'elles s'y font jour, acquièrent tout de suite une importance plus grande et produisent une impression qui pourrait être désagréable et, pour ainsi dire, désastreuse pour les solutions d'harmonie et de libre consentement de toutes les volontés que nous désirons obtenir.

Voilà pourquoi il me semblait et il me semble encore aujourd'hui—je parle au nom de ma petite expérience comme

membre de plusieurs Conférences internationales—qu'il y aurait tout avantage, pour la rapidité même de nos travaux, et en vue de l'accord indispensable qui devra être sanctionné par la Conférence plénière, à ce que le nombre, non pas de toutes, mais de certaines Commissions fût un peu plus grand que celui qui a été fixé. J'ai fait moi-même une réclamation. D'autres Délégués ont fait entendre des paroles plus ou moins dans le même sens: il est évident qu'il y a quelque chose à faire à ce point de vue.

Nous venons ici avec un grand idéal que tout le monde défend: nous voulons instituer la Ligue des Nations, c'est-à-dire un régime d'égalité entre toutes les Nations. Le principe en a déjà été parfaitement établi. Il faut que l'on donne à chaque Nation un vote: *one nation, one vote*.

C'est dans cet esprit que je me permets d'appeler votre attention sur les arguments qui semblent militer en faveur d'une augmentation du nombre des membres des Commissions, car le mot de Ligue des Nations ne doit pas seulement figurer dans les discours: le sentiment en doit régner dans les cœurs.

Le Président constate, avec l'assentiment de M. Calogeras, que les observations qui viennent d'être faites ne peuvent pas modifier les propositions déjà présentées à l'Assemblée; que, de plus, il ne peut en être tenu compte dans une réunion qui a pour seul objet la désignation des Représentants des Puissances à intérêts particuliers.

Les observations du Délégué du Brésil seront cependant notées dans le procès-verbal de la séance et le Président en fera part au Bureau de la Conférence.

De plus, les Délégués des Puissances qui désirent voir augmenter le nombre de leurs commissaires à la Commission de la Société des Nations pourront naturellement aller devant elle présenter leurs observations. Cette Commission, qui sera certainement animée d'un esprit très libéral, pourra, si elle juge que le nombre primitivement fixé des Représentants des Nations est insuffisant, demander à la Conférence plénière de l'augmenter.

M. Vesnitch (Serbie) présente une observation d'ordre technique en proposant que le vote à émettre porte sur le nom des États, et non pas sur des noms de personnes.

Cette proposition est adoptée.

La séance est suspendue à 15 heures 25 pour permettre aux Délégués d'échanger, avant l'ouverture du scrutin, leurs vues sur les Représentants à désigner.

Elle est reprise à 16 heures 5.

A la reprise de la séance, M. Hymans (Belgique) expose ainsi le résultat des échanges de vues des Délégués :

Nous avons essayé de nous mettre d'accord, dans des conversations particulières, sur la composition des quatre Commissions suivantes : Commission de la Ligue des Nations ; Commission des ports ; Commission de la législation internationale du travail ; Commission chargée d'examiner la responsabilité des crimes commis pendant la guerre.

D'après les conversations qui viennent de s'engager, il y a deux Commissions sur la composition desquelles il semble qu'on soit d'accord, et nous pouvons dès lors éliminer de nos délibérations ces deux questions : la Commission pour la responsabilité des crimes commis pendant la guerre et la Commission pour la législation internationale du travail.

S'il n'y avait pas d'opposition, nous pourrions considérer que les Délégués sont nommés pour la Commission chargée de rechercher les responsabilités des crimes commis pendant la guerre et d'étudier les sanctions que ces crimes comportent, cette Commission étant composée des Représentants de la Belgique, de la Serbie, de la Roumanie, de la Pologne et de la Grèce.

En ce qui concerne la composition de la Commission chargée d'étudier la législation internationale du travail, nous pensons inscrire les Puissances suivantes : la Belgique, la Serbie, Cuba (pour le groupe Sud-Amérique), la Pologne et la République tchéco-slovaque. Mais les Délégués de la Serbie ont bien voulu déclarer qu'ils consentaient à céder leur siège à la Belgique qui, étant donné le rang qu'elle occupe dans le monde industriel et commercial, peut être, à ce point de vue, considérée comme une Grande Puissance. La Belgique aurait donc deux sièges.

La question est plus délicate en ce qui concerne la composition de la Commission chargée d'étudier la constitution de la Ligue des Nations et la composition de la Commission pour le régime des ports et des voies de communication par eau et par fer.

Dans les conversations qui viennent d'avoir lieu, on semblait d'accord pour que la Belgique et la Serbie eussent chacune un Représentant dans les deux Commissions; mais il y a, en dehors d'elles, des Puissances qui demandent à être également représentées dans ces deux Commissions, et le nombre de ces Puissances qui demandent à y siéger dépasse le nombre des sièges disponibles. Le Brésil, la Chine, la Roumanie, la Pologne, la République tchéco-slovaque, la Grèce et le Portugal demandent à être représentés dans la Commission chargée d'étudier la Ligue des Nations.

En ce qui concerne la Commission des ports, en dehors de la Belgique et de la Serbie, l'Uruguay, représentant le groupe sud-américain, la Pologne, la Chine, la Grèce, la Roumanie, le Portugal demandent à être représentés dans cette Commission.

Nous avons pensé que le mieux serait, pour la composition de ces deux Commissions, de procéder à un scrutin; nous avons l'intention de vous demander, Monsieur le Président, quand le scrutin aura lieu et quand on aura désigné les cinq Délégués auxquels on nous a dit que nous avons droit, de vous faire l'interprète du désir de la réunion qui se tient aujourd'hui en priant le Bureau de la Conférence de vouloir bien, pour ces deux Commissions, augmenter éventuellement le nombre des sièges; nous indiquerions les Puissances pour lesquelles ces sièges seraient demandés.

Les Délégués de la Grèce se déclarent d'accord avec M. Hymans au sujet de la composition des deux premières Commissions pour lesquelles, en l'absence d'opposition, le vote doit être considéré comme acquis; et, comme la Serbie, ils se désistent en faveur de la Belgique pour la représentation dans la Commission de la législation internationale du travail.

Le Président donne son assentiment à la manière de procéder qui vient d'être exposée et il conclut qu'en résumé on nommera cinq Délégués et qu'on en désignera quatre qui seraient proposés au Bureau de la Conférence pour compléter la Délégation.

La discussion reprend sur la façon de voter.

Le Président déclare qu'en ce qui concerne les Commissions de la législation internationale du travail et de la responsabilité des

crimes commis par l'ennemi, les Délégués s'étant mis d'accord, il n'y a pas lieu de procéder au scrutin.

En conséquence la représentation des Puissances à intérêts particuliers dans la Commission de la législation internationale du travail sera ainsi composée: la Belgique avec deux sièges; Cuba, la Pologne et la République tchéco-slovaque avec chacune un siège.

En ce qui concerne la Commission chargée de rechercher la responsabilité des crimes commis pendant la guerre, la Belgique, la Grèce, la Pologne, la Roumanie et la Serbie auront chacune un Représentant dans cette Commission.

Pour les deux autres Commissions, celle de la Société des Nations et celle du régime international des ports, le Président propose que l'on procède par votes séparés pour chaque Commission,—ce qui est accepté:—et il déclare entendu que les Délégués qui seront considérés comme élus seront les cinq ayant réuni le plus grand nombre de suffrages. Les quatre noms suivants seraient proposés à la Conférence, à titre de vœu, pour compléter les Commissions.

Un échange de vues a lieu pour fixer le mode de vote. Il est décidé, d'abord, que le vote aura lieu, au premier tour, à la majorité absolue; au deuxième tour, à la majorité relative; ensuite, que chaque Délégation ne déposera qu'un seul bulletin de vote.

Il est donné connaissance à la réunion de la liste des candidats pour la Commission de la Société des Nations. Ces candidats sont, par ordre alphabétique: la Belgique, le Brésil, la Chine, l'Équateur, la Grèce, Haïti, la Pologne, le Portugal, la Roumanie, la Serbie, la République Tchéco-Slovaque.

Les votes sont recueillis et il est procédé au dépouillement du scrutin.

Le Président donne connaissance des résultats:

Il y a 17 votants; les cinq Nations qui ont réuni la majorité absolue et le plus grand nombre de voix sont: la Belgique, la Chine, le Brésil, la Serbie et le Portugal. Vient ensuite: la Roumanie, la Grèce, la Pologne, les Tchéco-Slovaques, Haïti, l'Équateur.

Conformément à la décision de l'Assemblée, le Président présentera au Bureau de la Conférence les noms des quatre Nations qui, après les cinq Nations désignées, ont obtenu le plus de voix et qui sont: la Roumanie, la Pologne, la Grèce et les Tchéco-Slovaques.

Le Président propose ensuite de désigner les membres de la Commission des ports et voies de communication.

M. Benes (Tchéco-Slovaques) présente l'observation suivante:

Quand nous avons examiné la question du nombre des Délégués à admettre dans la Commission des voies ferrées, des voies fluviales et de l'internationalisation des ports, j'ai fait valoir auprès de mes Collègues de la Commission, certaines raisons pour lesquelles nous tenions, nous, Tchéco-Slovaques, à être représentés parmi les cinq Puissances qui seraient désignées. Ces raisons sont les suivantes: nous sommes, au centre de l'Europe centrale, un pays entouré de tous côtés par des Puissances ennemies, notamment l'Allemagne et les Magyars, et nous n'avons pas d'accès à la mer. La question des chemins de fer internationaux est pour nous une question vitale; d'autre part, notre État est riverain du Danube et nous sommes particulièrement intéressés à la question de l'Adriatique; et, n'ayant pas de grands ports, nous aurons, par conséquent, intérêt à donner notre avis au sujet du régime particulier des ports de la Baltique et de l'Adriatique. Ce sont ces raisons que nous avons fait valoir pour que nous soyons compris au nombre des cinq Puissances qui devront être représentés au sein de la Commission; je pose donc la candidature des Tchéco-Slovaques parmi les cinq Puissances que vous allez désigner.

M. Hymans (Belgique) fait connaître, sans ordre de priorité, les noms des Puissances demandant à être représentées dans la Commission: ce sont la Belgique, la Serbie, l'Uruguay, la Pologne, la Chine, la Roumanie, la Grèce, les Tchéco-Slovaques et le Portugal.

Le Président en fait connaître les résultats:
scrutin.

Le Président en fait connaître les résultats:

Les cinq Puissances qui ont obtenu la majorité absolue sont: la Belgique, la Chine, la Grèce, l'Uruguay et la Serbie.

Ont obtenu ensuite la plus grand nombre de suffrages: la Roumanie, le Portugal, la Pologne et les Tchéco-Slovaques.

En conséquence, le vœu à présenter au Bureau porte sur l'admission supplémentaire de ces quatre dernières Puissances.

M. Calogeras (Brésil) fait la déclaration suivante au sujet du résultat du scrutin:

Il me semble qu'une grande moralité, une grande leçon, découlent des votes que cette Réunion vient d'émettre: c'est le grand nombre, la presque unanimité des suffrages donnés à la Belgique, dans toutes les Commissions. Cela n'est pas étonnant. Nous sortons à peine d'une lutte qui, certainement, transformera d'une façon complète la société moderne: or, si cette victoire a pu être obtenue, si nous sommes réunis autour de cette table de la Conférence, c'est bien parce qu'il y a eu une victime expiatoire, un pays, petit comme surface, mais grand par le cœur, qui s'est offert en holocauste, auquel nous pouvons parfaitement appliquer la parole que Jeanne d'Arc disait de sa bannière: "Elle a été à la peine, elle est maintenant à l'honneur."

M. Hymans (Belgique) remercie en ces termes:

Je remercie, du plus profond du cœur, le Représentant du noble Brésil des paroles par lesquelles il vient de saluer mon pays. Nous avons fait, je pense, notre devoir; la victoire a couronné les efforts communs des Alliés et nous n'aurons plus qu'un but, tous ensemble, ici, avec les grands Alliés à côté desquels nous siégeons hier: établir une juste paix, organiser un ordre international fondé sur le droit et l'égalité des Nations.

Le Président ajoute ces mots:

Au nom de toutes les Nations représentées autour de cette table, je m'associe aux paroles qui viennent d'être prononcées par le Représentant du Brésil; mais, en même temps, je tiens à associer à ces éloges la Serbie, la Roumanie et toutes les Nations qui ont souffert, comme nous et comme la Belgique, pour la cause de la Civilisation et du Droit.

Il est bien entendu que les Délégués des pays qui viennent d'être désignés seront en même temps les Délégués de toutes les Nations représentées ici et pourront être chargés

de présenter les vœux des Puissances qui n'ont pas de nationaux parmi les Délégués.

Le Président prie, en terminant, les Délégations de faire connaître, aussitôt que possible, au Secrétariat général les noms des Représentants des Nations désignés par le vote auquel il vient d'être procédé, car les Commissions doivent être constituées le plus rapidement possible.

Les membres du Secrétariat recueillent ces noms. (*Voir Annexe VII.*)

La séance est levée à 16 heures 50.

Le Président,
J. CAMBON.

ANNEXE VII.

LISTE DES MEMBRES DES COMMISSIONS.

I.

Commission de la Société des Nations.

États-Unis d'Amérique:

Le Président des États-Unis;

Hon. Edward M. House.

Empire Britannique:

The Rt. Hon. the Lord Robert Cecil;

Lt.-General the Rt. Hon. J. C. Smuts.

France:

M. Léon Bourgeois;

M. Larnaude, Doyen de la Faculté de droit de Paris.

Italie:

M. Orlando;

M. Scialoja.

Japon :

Le Baron Makino ;
Le Vicomte Chinda.

Belgique :

M. Hymans.

Brésil :

M. Epitacio Pessoa, Sénateur, Ancien Ministre de la Justice.

Chine :

M. Wellington Koo, Envoyé extraordinaire et Ministre
plénipotentiaire de Chine à Washington.

Portugal :

M. Jayme Batalha Reis.

Serbie :

M. Vesnitch.

2.

Commission des Responsabilités de la Guerre et Sanctions.

États-Unis d'Amérique :

Hon. Robert Lansing ;
M. James Brown Scott.

Empire Britannique :

The Rt. Hon. Sir Gordon Hewart, K. C., M. P., Attorney
general,

(avec faculté de remplacement par :

The Rt. Hon. Sir Ernest Pollock, K. B. E., K. C., M. P.,
Solicitor general) ;

The Rt. Hon. W. F. Massey.

France :

M. André Tardieu ;
M. Larnaude.

Italie:

M. Scialoja;
M. Raimondo, Député.

Japon:

M. Adatci, Envoyé extraordinaire et Ministre plénipotentiaire de S. M. l'Empereur du Japon à Bruxelles.
M. H. Nagaoka.

Belgique:

M. Rolin-Jaequemyns, Secrétaire général de la Délégation belge.

Grèce:

M. Politis.

Pologne:

M. Constantin Skirmunt, Membre du Comité national polonais, Représentant du Comité à Rome.

Roumanie:

M. S. Rosental, Jurisconsulte.

Serbie:

M. Slobodan Yovanovitch, Recteur de l'Université de Belgrade,

(avec faculté de remplacement par:

M. K. Koumanoudi, Professeur à l'Université de Belgrade;
M. M. Novacovitch, Professeur à l'Université de Belgrade).

3.

Commission des Réparations des Dommages.

États-Unis d'Amérique:

M. Bernard M. Baruch, Président du *War Industries Board*;

M. Norman H. Davis, Commissaire financier;

M. Vance McCormick, Président du *War Trade Board*.

Empire Britannique :

The Rt. Hon. W. M. Hughes;

The Rt. Hon. the Lord Sumner of Ibstone, *Lord of Appeal in Ordinary*;

The Rt. Hon. the Lord Cunliffe, ancien Gouverneur de la Banque d'Angleterre.

France :

M. L.-L. Klotz;

M. Loucheur, Ministre de la Reconstitution industrielle;

M. Albert Lebrun, Ministre des Régions libérées.

Italie :

M. Salandra;

M. d'Amelio, Conseiller à la Cour de cassation;

M. E. Chiesa, Député.

Japon :

M. Kengo-Mori, Agent financier à l'Ambassade de Londres;

M. H. Nagaoka;

M. Tatsumi, Administrateur de la Spécie Banque de Yokohama.

Belgique :

M. van den Heuvel;

M. Despret, Avocat à la Cour de cassation, Administrateur de la Banque de Bruxelles.

Grèce :

M. Romanos;

M. Michalakopoulos, Ministre d'État.

Pologne :

M. Sigismond Chamiec, Directeur de la Caisse nationale des Prêts;

M. Casimir Olszowski, Directeur du Département des Dommages de guerre au Ministère des Finances.

Roumanie :

M. Georges Danielopol, Envoyé extraordinaire et Ministre

de S. M. le Roi de Roumanie à Washington, ancien Directeur de la Banque nationale de Roumanie;
M. P. Zahariade, Ingénieur-Inspecteur général, ancien Directeur des Chemins de fer.

Serbie:

M. Miloch Savtchitch, ancien Ministre,
(avec faculté de remplacement par:
M. Dragoutine Protitch, Avocat;
Le Docteur Vel. Baikitch, Vice-Directeur de Banque).

4.

Commission de la Législation Internationale du Travail.

États-Unis d'Amérique:

Hon. E. N. Hurley, Président du *Shipping Board*;
M. Samuel Gompers, Président de l'*American Federation of Labor*.

Empire Britannique:

The Rt. Hon. G. N. Barnes;
Sir Malcolm Delevingne, K. C. B., Sous-Secrétaire d'État adjoint à l'Intérieur.

France:

M. Colliard, Ministre du Travail et de la Prévoyance sociale;
M. Loucheur.

Italie:

Le Baron Mayor des Planches, Ambassadeur honoraire, Commissaire général de l'Émigration;
M. Cabrini, Député.

Japon:

M. Otchiai, Envoyé extraordinaire et Ministre plénipotentiaire de S. M. l'Empereur du Japon à la Haye;

M. Oka, ancien Directeur des Affaires commerciales et industrielles au Ministère de l'Agriculture et du Commerce.

Belgique:

M. Vandervelde;

M. Mahaim, Professeur à l'Université de Liège, Secrétaire de la section belge de l'Association internationale pour la protection légale des travailleurs.

Cuba:

M. de Bustamante.

Pologne:

Le Comte Jean Zoltowski, Membre du Comité national polonais (*Délégué provisoire*).

République tchéco-slovaque:

M. Benes.

5.

*Commission du Régime International des Ports,
Voies d'Eau et Voies Ferrées.*

États-Unis d'Amérique:

Hon. Henry White;

Hon. David Hunter Miller.

Empire Britannique:

The Hon. A. L. Sifton;

Sir Hubert Llewellyn-Smith, K. C. B., Secrétaire permanent du *Board of Trade*.

France:

M. Claveille, Ministre des Travaux publics et des Transports;

M. André Weiss, Professeur à la Faculté de droit de Paris, Jurisconsulte du Ministère des Affaires étrangères.

Italie :

M. Crespi, Ministre du Ravitaillement;

M. de Martino, Secrétaire général du Ministère des Affaires étrangères.

Japon :

M. K. Matsui;

Le Colonel Sato.

Belgique :

M. Paul Segers, Ministre d'État.

Chine :

M. Chengting Thomas Wang.

Grèce :

M. L. Coromilas, Envoyé extraordinaire et Ministre plénipotentiaire de S. M. le Roi des Hellènes à Rome.

Serbie :

M. Trumbitch.

Uruguay :

M. Juan Carlos Blanco.

Telegram from Rome^a

Rome,

Dated January 24th, 1919,

Rec'd 25th, 2:10 A. M.

American Mission, Paris.

Press here now showing considerable impatience at prospect of protraction of the Peace Negotiations indicating dangers that will arise from such protraction. There appears to me also a real danger should not some definite action be soon taken on the principal points of the President's program. The MESSAGGERO yesterday morning had a serious editorial on reported decision of The Conference not to recognize any party in Russia. It goes on to state that President Wilson obtained confidence of the people of Italy and of other countries by reason of fact that however deliberate he was to act before he felt the United States was being seriously injured, when he did act it was without hesitation and in a mode to inspire complete confidence. The people will follow the Conference now in any firm decision it may make.

The action of the Conference in accepting the President's program for Russia published in midday paper approved warmly by press. Meantime the press is keeping stirred up the aspirations of the people for all that Sonnino is claiming.

There is a tremendous amount of political wire pulling and propaganda. Some of it is of a very subtle character and the situation is difficult and delicate.

The consul at Florence reports that at meeting there of Chamber of Labor of the province, deputy Caroti who attempted to uphold government claim to Dalmatia, etc., was ejected amid cries of "Down with the government long live the revolution."

NELSON PAGE.

a. See Diary, p. 92.

Cablegram Sent^a

January 25, 1919.

To Secretary of State,
Washington.

"The governments now associated in conference to effect a lasting peace among the nations are deeply disturbed by the news which comes to them of many instances in which armed force is being made use of, in many parts of Europe and the East, to gain possession of territory, the rightful claim to which the Peace Conference is to be asked to determine. They deem it their duty to utter a solemn warning that possession gained by force will seriously prejudice the claims of those who use such means. It will create the presumption that those who employ force doubt the justice and validity of their claim and purpose to substitute possession for proof of right and set up sovereignty of coercion rather than by racial or national preference and natural historical association. They thus put a cloud upon every evidence of title they may afterwards allege and indicate their distrust of the Conference itself. Nothing but the most unfortunate results can ensue. If they expect justice they must refrain from force and place their claims in unclouded good faith in the hands of the Conference of Peace." Lansing.

a. See Diary, p. 92.

DOCUMENT 234**Résolution^a Adoptée par la Conférence des Associations Alliées
pour la Société des Nations**

La Conférence, reconnaissant la nécessité d'une paix prochaine et durable, couronnée par l'établissement de la Société des Nations, invite les Gouvernements alliés à concentrer leurs efforts vers ce but en se rappelant que, jusqu'au jour où la paix sera signée, la reprise générale des conditions normales de la vie du monde, essentielles aux intérêts supérieurs et aux droits comme aux besoins de l'homme, sera impossible.

a. January 26th. See Diary, pp. 92-93.

Notes^a

It is highly desirable that the arrangement of the Covenant be not changed at this time.

I agree, however, that questions of the arrangement of paragraphs remain open as it seems obvious that some rearrangement is contemplated.

I agree to delete words "jointly and severally," in the Preamble.

In order not to change the arrangement, I consider the various subsections of Article 1 of Chapter I of the British Draft as substantive provisions and not as subsections of the Preamble.

Subsection (i) :

I object to as unnecessary.

Subsection (ii) :

Should be considered in connection with Article 2 of Chapter I of the British Draft and Article III of the American Draft.

I agree that Article III of the American Draft may be rewritten in the form annexed.

Subsection (iii) :

I object to as indefinite.

Subsection (iv) :

I object to as indefinite and not stating the names of the countries.

a. This paper was gotten up by me on the evening of January 26th. It is really a comment on the British suggestions contained in Document 224, and to be understood must be examined not only in connection with that paper but also in connection with the American and British Drafts at that time, which are respectively Documents 211 and 225.

Document 236 should also be examined in this connection, for that paper shows, on the basis of the American Draft (Document 211), the result of the changes which these notes (Document 235) accepted and also contains some comments on the British suggestions in Document 224 regarding the so-called "supplementary articles" of the Covenant (Document 211). See Diary, p. 93, note b.

This paper and Document 236 were gotten up as a basis for my discussions with Cecil on January 27th.

New subsection (v):

Is really Article IV of the American Draft.

I suggest that Article IV of the American Draft stand with the following changes:

In the second paragraph, in place of the words: "Powers subscribing to the Treaty of Peace of which this covenant constitutes a part," substitute the words: "High Contracting Powers."

Fourth paragraph: Omit the words: "That munitions and implements of war shall not be manufactured by private enterprise or for private profit and." (See the further discussion of this in Article IV.)

New subsection (vi):

Is Supplementary IX of the American Draft.

I agree to the language proposed by the British, substituting the words: "The High Contracting Powers agree," for the words: "They undertake."

Old subsection (v), now (vii) of the British Draft:

I regard as unnecessary.

I do not object to old subsection (vi), now (viii) as a substantive provision, but think it should be slightly revised in language as follows:

"The Body of Delegates shall appoint Commissions to study and report on economic, sanitary, and other similar problems of international concern, and the Body of Delegates shall recommend to the High Contracting Powers such action as these reports may show to be necessary or desirable."

The language of *subsection (ix)* I accept in lieu of American Supplementary V, with slight changes as follows:

Substitute: "High Contracting Powers" for "they;" and commence the second sentence: "Also they will appoint Commissions."

The rest of Article I of the British Draft I object to.

Article 3 of the British Draft I object to.

American Article I as rewritten by the British I accept provisionally; simply as properly showing the British view. It should contain, however, a provision as to how the place of meeting is determined.

For a similar reason I accept provisionally the *first three paragraphs of American Article II* as rewritten by the British.

I object to the paragraph proposed by the British, commencing: "The Council of the League," and ending: "the general peace." The second sentence of this paragraph should be left as the second paragraph of American Supplementary IV, leaving the language as it is in the American Draft.

For the reasons stated above I provisionally accept the *fourth paragraph of American Article II* as rewritten by the British, but the present first sentence of the fourth paragraph of the American Draft should be rewritten as a separate paragraph, omitting the words: "shall appoint a permanent secretariat and staff and."

Similarly I accept the insertion of Articles 10 to 15, inclusive, of Chapter I of the British Draft, with the following comments:

As to 10, who authorizes the expenditure?

As to 13, who determines the circumstances of meeting?

Article 16 of the British Draft might be similarly accepted if in a different form. The Dominions should be specified, and my understanding is that the representation will be for the Dominions and not for the British Empire as such, following the precedent of the Peace Conference.

Article IV:

I agree to the first two amendments proposed in the British paper. The rest I disagree to except that the first paragraph of American Supplementary IV, which is incorporated therein verbatim, should be retained.

Article V:

The first British amendment I accept.

The second British amendment I object to.

The third British amendment I accept.

I object to the deletion of paragraphs four and five.

The next British amendment I accept.

The next British amendment I accept.

The next British amendment I accept with the following change:

Strike out the words: "compatible with their interests."

The next British amendment, substituting the word "Council" for the word: "it," I accept.

The next British amendment I reject as it is not covered by Article 6 of the British Draft.

The next British amendment I accept in part. The words: "The Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement," should be retained.

I object to the deletion proposed by the next British amendment, but I agree to the matter which they wish to insert, leaving out all after the words: "which complies with its provisions."

The next British amendment I reject.

The next British amendment I reject.

I see no reason for any of the changes suggested in Article VI.

I agree that so far as member Powers are concerned, Article VII only duplicates Article VI. Article X, however, does not completely cover the case of a non-member Power, but with a change in Article X, which is suggested, Article VII may be, as the British suggest, omitted.

I see no reason for any change in Article VIII.

The change suggested in Article IX is accepted. Also there

is a printer's error in the last line of the first paragraph of Article IX. Insert after the word "were" the words "a party."

In view of the omission in Article VII, Article X should be amended by putting in in the fourth line, after the word "such," the words "decision or." Also, in eighth line, strike out "that may be necessary" and insert "which may be agreed upon."

Article XI is agreed to.

There is a printer's error in the second line, second paragraph of Article XI. The word "cause" should be changed to "course."

I see no reason for any change in Article XII.

Article XIII is agreed to.

The suggestion of the British for a new Article XIV presents an important question, consideration of which may properly be deferred.

Article III American (Revised)

The High Contracting Powers undertake to respect and preserve the territorial integrity and existing political independence of all States members of the League.

If at any time it should appear that any feature of the settlement made by this Covenant and by the present treaties of peace no longer conforms to the requirements of the situation, the League shall take the matter under consideration and may recommend to the parties any modification which it may think necessary. If such recommendation is not accepted by the parties affected, the States, members of the League, shall cease to be under any obligation in respect of the subject matter of such recommendation.

In considering any such modification the League shall take into account changes in the present conditions and aspirations of peoples or present social and political relations, pursuant to the principle, which the High Contracting Powers accept without reservation, that Governments derive their just powers from the consent of the governed.

Covenant (with British Suggestions)^a*Preamble.*

Strike out the words "jointly and severally."

Article I.

The action of the Signatory Powers under the terms of this covenant shall be effected through the instrumentality of a Body of Delegates and an Executive Council. The Body of Delegates shall consist of Representatives of the Contracting Powers at the Capital of the League. The Meetings of the Body of Delegates shall be held at the Capital of the League or elsewhere as may be from time to time determined. At Meetings held at the Capital of the League, the Executive Council shall appoint the presiding officer of the Body. At Meetings held elsewhere the representative of the State in whose territories the Meeting is held shall be the presiding officer.

It shall be the privilege of any of the Contracting Powers to assist its representative in the Body of Delegates and Executive Council by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular representative at the capital of the League.

The H. C. P. appoint the following States members of the League to constitute the Council of the League: France, Great Britain, Italy, Japan, and the United States of America. The Council may at any time co-opt additional members. Except as provided hereafter, no State shall be represented at any meeting of the Council by more than two members.

Meetings of the Council shall be held from time to time as oc-

a. For an explanation of this paper which was prepared on the evening of January 26th, in preparation for my conference with Cecil on January 27th, see the note to Document 235 and the Documents and references therein mentioned.

casion may require, and in any case at intervals of not more than one year.

Article II.

The Body of Delegates and the Executive Council shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action. In all matters covered by this paragraph the Body of Delegates and the Executive Council may decide by a majority of the representatives present at any Meeting.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this covenant, or any matter likely to affect the peace of the world; but all resolutions passed or actions taken by the Body of Delegates in the execution of the functions and powers granted to them under this Covenant shall be passed or taken either upon the initiative and recommendation of, or after reference to and approval by, the Executive Council.

The Council shall invite any State Member of the League to send representatives to any Meeting of the Council at which matters affecting that State will be under discussion and no decision on any matter directly affecting the interests of a State Member of the League which is not represented on the Council will be binding upon any such State unless its representatives have been invited to the Meeting when the decisions in question were taken.

The Council may also invite any State Member of the League to send representatives to any Meeting of the Council whenever the Council shall consider that the work of the League would be assisted thereby.

All resolutions passed or actions taken by the Executive Council, or by the Body of Delegates upon the recommendation of the Executive Council, except those adopted in execution of any direct

powers herein granted to the Body of Delegates themselves or the Executive Council, shall have the effect of recommendations to the several Governments of the League.

The Executive Council may appoint joint committees, chosen from the Body of Delegates or consisting of specially qualified persons outside of that Body, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. It shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the signatory powers and with any governments or agencies which may be acting as mandatories of the League of Nations in any part of the world.

The Executive Council shall appoint a permanent Secretariat and Staff. The Secretariat shall be under the general control and direction of the Chancellor of the League who shall hold office during the pleasure of the Council. The first Chancellor of the League shall be the person named in the Protocol hereto. Any successor shall be appointed by the Council. The Executive Council shall, through the Chancellor, take the necessary steps to establish and maintain close and continuous relations with the Governments of the signatory Powers, with any Governments which may be acting as mandatories of the League of Nations in any part of the world, and with any organs or agencies of international action, whether permanent or temporary, which may be established under the general sanction of the League.

Article II-A.

The Chancellor of the League shall be assisted by such number of assistant secretaries as he may find it necessary to appoint and such further staff as he may think necessary within the limits of the expenditure which may be authorised.

The Chancellor shall act as the Secretary of the Conference

of the League and of the Council of the League, and will be responsible to them for such duties as may be entrusted to him.

Representatives of the States members of the League attending meetings of the League, the representatives of the H. C. P. at the capital of the League, the Chancellor and the members of the permanent secretariat of the League, and the members of any judicial or administrative organ or of any commission of enquiry working under the sanction of the League, shall enjoy diplomatic privileges and immunities while they are engaged in the business of the League.

All buildings occupied by the League, or by any organisation placed under the control of the League, or by any of its officials, or by the representatives of the H. C. P. at the capital of the League shall enjoy the benefits of extra-territoriality.

The Secretariat of the League shall be established at .
This City shall constitute the capital of the League.

The meetings of the Conference of the League and of the Council of the League shall be held at the capital of the League, or in such other place as may be determined.

Each of the H. C. P. may maintain a representative at the capital of the League.

The expenses of the League, other than those occasioned by meetings of the Council of the League, shall be borne by the States members of the League, in accordance with the distribution among the members of the Postal Union of the expenses of the International Postal Bureau. The expenses occasioned by meetings of the Council of the League shall be divided equally among the States represented on the Council.

The British Dominions (Australia, Canada, South Africa, and New Zealand) and India shall be represented.

Article II-B (New).

The Body of Delegates shall appoint Commissions to study and report on economic, sanitary, and other similar problems of inter-

national concern, and the Body of Delegates shall recommend to the High Contracting Powers such action as these reports may show to be necessary or desirable.

Article III.

The High Contracting Powers undertake to respect and preserve the territorial integrity and existing political independence of all States members of the League.

If at any time it should appear that any feature of the settlement made by this Covenant and by the present treaties of peace no longer conforms to the requirements of the situation, the League shall take the matter under consideration and may recommend to the parties any modification which it may think necessary. If such recommendation is not accepted by the parties affected, the States, members of the League, shall cease to be under any obligation in respect of the subject matter of such recommendation.

In considering any such modification the League shall take into account changes in the present conditions and aspirations of peoples or present social and political relations, pursuant to the principle, which the High Contracting Powers accept without reservation, that Governments derive their just powers from the consent of the governed.

Article IV.

Insert

Strike Out

1st Paragraph:

After the words, "formulate at once," in line 5, the words "after expert inquiry."

At the end of the paragraph: "but when so approved, it shall not be departed from by any signatory without the consent of all."

2nd Paragraph:

"High Contracting Powers."

"Powers subscribing to the Treaty of Peace, of which this Covenant forms a part"

3rd Paragraph:

No change.

No change.

4th Paragraph:

"That munitions and implements of war shall not be manufactured by private enterprise or for private profit and"

Article V.

Insert:

Strike out.

First paragraph:

In line 6,—“three months after the”

“there has been an”

Second paragraph:

No change.

Third paragraph:

After the word, “arbitration,” in the first line:

“pending the creation of a permanent court of international justice and in the absence of provisions in any agreement between the parties to the dispute prescribing the constitution of the court to which the dispute shall be submitted.”

Fourth paragraph:

No change.

Fifth paragraph:

No change.

Sixth paragraph:

Will read as follows:

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration under paragraphs two and three of this article, they shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and the Chancellor shall give notice to the parties and shall make the necessary arrangements for a full hearing, investigation, and consideration. The party upon whose demand the matter has been referred to the League shall file with the Chancellor of the League a statement of its case with all the facts and papers relevant to the dispute. The party against whom the complaint is made shall be invited by the Chancellor to file a statement of its case with all relevant facts and papers. The Chancellor shall forthwith publish the statements of the parties. The H. C. P. agree that, in the case of the reference of any dispute to the League under this article, they will each, whether parties to the dispute or not, place at the disposal of the Council to the fullest possible extent all the information in their possession which bears upon the questions under discussion. The Council shall ascertain and as soon as possible make public all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable, based on the merits of the controversy and calculated to secure a just and lasting settlement. The Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants. Where the efforts of the Council have led to the settlement of the

dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, the report of the Council to the H.C.P. shall be published. This report shall set forth, with all necessary facts and explanations, the recommendations which the Council or Conference think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council, other than the parties to the dispute, the H. C. P. hereby agree that none of them will go to war with any party which complies with its provisions.

Seventh paragraph:

No change.

Article VI.

Unchanged

Article VII.

Omit Entirely

Article VIII.

Unchanged

Article IX.

In the first paragraph, line 6, insert "the Council," in place of the words, "the Delegates."

Note printer's error in last line of first paragraph. After the word "were," should be the words "a party."

Article X.

Insert, in the fourth line, after the word "such," the words "decision or."

In eighth line strike out "that may be necessary" and insert "which may be agreed upon." (This change is to conform to pencil change in margin of Article VII.)

Article XI.

Unchanged

Note printer's error in second line, second paragraph, the word "cause" should be changed to "course."

Article XII.

Unchanged

Article XIII.

Unchanged

Article XIV (New).

The provisions of this Convention shall come into effect so soon as it has been ratified by Great Britain, the United States of America, France, Italy, and Japan.

Supplementary Articles I, II and III.

In lieu of these three articles, the British propose a draft convention regarding mandataries, which requires detailed examination.

Generally speaking, it may be said that this draft convention recognizes two classes of dependent peoples (a) Assisted States, and (b) Vested Territories held upon trust.

In respect of the "Vested Territories," while adopting some of the principles laid down in Supplementary Articles I, II and III, the British Convention gives less control to the League and more to the mandataries.

Supplementary Article IV.

Unchanged

Supplementary Article V.

The High Contracting Powers will work to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions who are engaged in manual labour and they will exert their influence in favour of the adoption and main-

tenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Also they will appoint Commissions to study conditions of industry and labour in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

Supplementary Article VI.

The British suggest the omission for the present of this Article until the specific provisions to be contained in the territorial treaties can be considered.

Supplementary Article VII.

Unchanged

Supplementary Article VIII.

It shall be the right of the League of Nations from time to time and on special occasion to close the seas in whole or in part against a particular Power or particular Powers for the purpose of enforcing the international covenants here entered into.

Supplementary Article IX.

The High Contracting Powers agree that no treaty entered into between States members of the League shall be regarded as valid, binding or operative, until it shall have been published and made known to all other states members of the League.

Supplementary Article X.

In lieu of this article the British propose a draft convention regarding equality of trade conditions, together with a draft convention for freedom of transit, and an annex to these conventions.

Detailed analysis of these papers is required before they can properly be compared with the principles of Supplementary Article X.

Telegram from Rome^a

Rome,

Dated, January 25th, 1919,

Rec'd 26th, 4:50 A. M.

American Mission,
Paris.

To-day's local press gives prominence to Sazanoff and L. Wolfs' interviews in Paris *Matin* expressing annoyance at President's action in inducing Peace Conference to invite all factions of Russia, "All Russians" Conference Prinkipo. Opinion here in which I concur seems to be that Sazanoff is extremely pro-French and probably working with them. See my confidential telegram 76, January 16 and letter to Colonel House in regard to his out of date ideas and failure to realize United States present position in World.

The cabinet yesterday authorized Minister of Posts and Telegraphs to grant all the demands of telephone postal and telegraph employees thus end their agitation which threatened general strike.

I am sending by tonight's courier résumé confidential report of private interview by a member of my staff with Bissolati in which latter frankly expresses his views on Italian aspirations and also relations with official Socialists.

Following from Speranza agrees with the daily report:

"The *TRIBUNA* which is considered to have an especially good correspondent at the Peace Conference expresses regret that the French papers including *TEMPS* publishes unconfirmed reports about Italian war aims.

Socialist *AVANTI* always hostile to America is evidently trying to create an impression of difference of opinion between the United States and Allies at Peace Conference. Yesterday published ex-

a. See Diary, p. 93.

tract from article by Frank R. Kent in BALTIMORE SUN alleging Pershing's unpopularity in French and British military circles. This article was violently attacked in American press when it appeared about the end of November.

Press publishes semi-official denial of report that Government will withdraw its new state monopolies. This is however by no means definite.

Clerical CORRIERE D'ITALIA denies report published yesterday that Monsignor Cerratta is about to contract a loan of \$5,000,000 in the United States for the Vatican. Press, however, believes he has some financial mission there. Press reports collision between Serbs and Slovenes at Lubichang^a in which several deaths caused. Two battalions Italian troops brought from France are said to have been sent to Transylvania.

NELSON PAGE.

a. *sic.* Read Lubiana.

DOCUMENT 238**Copy of Telegram Received by American Embassy, Paris***

Washington, Dated January 23rd, 1919,
Rec'd 26th, 2 P. M.

Following telegram received from Lewis Heck. American Commissioner Constantinople. Dated January 19th. "Americans and other reliable persons arriving from interior, report that conditions are steadily growing worse in every way, that some officials guilty of worst atrocities and deportations still retain their posts. That Moslem population is as arrogant as ever, not realizing defeat, because of lack of show of force by Allies, that many political prisoners have not been released in spite of general amnesty. That nothing effective is being done to restore their former property to returning deported (omission) and that with weakness of Government and bad public order further local outrages are possible.

American relief parties traveling in interior should have Allied Military protection, being accompanied by one or two more in uniform empowered to demand remedies from local Turkish authorities. Lack of officers familiar with country and uncertainty as to future political destinies of Asia Minor make Allied leaders here reluctant to adopt decisive measure without strong political and military backing to establish order and to insure possibility of constructive measures. The relief work will be nothing but charity doled out to persons who will be unable to resume their former occupations and become self supporting.

I am requesting Allied High Commissioners to consider these questions before arrival Barton Commission.

Forward a copy to American Mission, Paris, and paraphrase to Doctor James Barton, probably now in Paris.

POLK,
Acting.

a. See Diary, p. 93.

Covenant^a

INCORPORATING CHANGES AGREED UPON BY LORD ROBERT CECIL
AND DAVID HUNTER MILLER, 27 JANUARY, 1919.

Preamble.

In order to secure international peace and security by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this covenant and agreement adopt this constitution of the League of Nations.

Article I.

The action of the Signatory Powers under the terms of this covenant shall be effected through the instrumentality of a Body of Delegates and an Executive Council. The Body of Delegates shall consist of Representatives of the Contracting Powers at the Capital of the League. The Meetings of the Body of Delegates shall be held at the Capital of the League or elsewhere as may be from time to time determined by the Body of Delegates. At Meetings held at the Capital of the League, the Executive Council shall appoint the presiding officer of the Body. At Meetings held elsewhere the representative of the State in whose territories the Meeting is held shall be the presiding officer.

It shall be the privilege of any of the Contracting Powers to as-

a. See Diary, pp. 93, 94, and notes. Compare also the second Paris Draft of President Wilson (Document 211), the paragraph numbering of which is the same as in this paper. See also Document 240, which gives a summary view of the changes from that Draft.

sist its representatives in the Body of Delegates and Executive Council by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular representative at the capital of the League.

The H. C. P. appoint the following states members of the League to constitute the Council of the League: France, British Empire, Italy, Japan, and the United States of America. The Council may at any time co-opt additional members. Except as provided hereafter, no State shall be represented at any meeting of the Council by more than two members.

Meetings of the Council shall be held from time to time as occasion may require, and in any case at intervals of not more than one year.

Article II.

The Body of Delegates and the Executive Council shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action. In all matters covered by this paragraph the Body of Delegates and the Executive Council may decide by a majority of the representatives present at any meeting.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this covenant, or any matter likely to affect the peace of the world.

The Council shall invite any State Member of the League to send representatives to any Meeting of the Council at which matters affecting that State will be under discussion, and the State so invited shall become *ad hoc* a member of the Council; and no decision on any matter directly affecting the interests of a State Member of the League which is not represented on the Council will be

binding upon any such State unless its representatives have been invited to the Meeting when the decisions in question were taken.

The Council may also invite any State Member of the League to send representatives to any Meeting of the Council whenever the Council shall consider that the work of the League would be assisted thereby.

All resolutions passed or actions taken by the Executive Council, or by the Body of Delegates upon the recommendation of the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves or the Executive Council, shall have the effect of recommendations to the several Governments of the League.

The Executive Council may appoint joint committees, chosen from the Body of Delegates or consisting of specially qualified persons outside of that Body, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes.

The Executive Council shall appoint a permanent Secretariat and Staff. The Secretariat shall be under the general control and direction of the Chancellor of the League who shall hold office during the pleasure of the Council. The first Chancellor of the League shall be the person named in the Protocol hereto. Any successor shall be appointed by the Council. The Executive Council shall, through the Chancellor, take the necessary steps to establish and maintain close and continuous relations with the Governments of the signatory Powers, with any Governments which may be acting as mandatories of the League of Nations in any part of the world, and with any organs or agencies of international action, whether permanent or temporary, which may be established under the general sanction of the League.

Article II-A.

The Chancellor of the League shall be assisted by such number of assistant secretaries as he may find it necessary to appoint and such further staff as he may think necessary within the limits of the expenditures which may be authorized by the Executive Council.

The Chancellor shall act as the Secretary of the Body of Delegates and of the Executive Council, and will be responsible to them for such duties as may be entrusted to him.

Representatives of the States members of the League attending meetings of the League, the representatives of the H. C. P. at the capital of the League, the Chancellor and the members of the permanent secretariat of the League, and the members of any judicial or administrative organ or of any commission of enquiry working under the sanction of the League, shall enjoy diplomatic privileges and immunities while they are engaged in the business of the League.

All buildings occupied by the League, or by any organization placed under the control of the League, or by any of its officials, or by the representatives of the H. C. P. at the capital of the League shall enjoy the benefits of extra-territoriality.

The Secretariat of the League shall be established at .
This City shall constitute the capital of the League.

The meetings of the Body of Delegates and of the Council shall be held at the capital of the League, or in such other place as may be determined by them.

Each of the H. C. P. may maintain a representative at the capital of the League.

The expenses of the League, other than those occasioned by meetings of the Council of the League, shall be borne by the States members of the League, in accordance with the distribution among the members of the Postal Union of the expenses of the International Postal Bureau. The expenses occasioned by meetings of

the Council of the League shall be divided equally among the States represented on the Council.

The British Dominions (Australia, Canada,
Tentative South Africa, and New Zealand) and India shall be
represented.

Article II-B.

The Body of Delegates shall appoint Commissions to study and report on economic, sanitary, and other similar problems of international concern, and the Body of Delegates shall recommend to the High Contracting Powers such action as these reports may show to be necessary or desirable.

Article III.

The High Contracting Powers undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League.

If at any time it should appear that any feature of the settlement made by this covenant and by the present treaties of peace no longer conforms to the requirements of the situation, the League shall take the matter under consideration and may recommend to the parties any modification which it may think necessary. If such recommendation is not accepted by the parties affected, the States, members of the League, shall cease to be under any obligation in respect of the subject matter of such recommendation.

In considering any such modification the League shall take into account changes in the present conditions and aspirations of peoples or present social and political relations, pursuant to the principle, which the High Contracting Powers accept without reservation, that Governments derive their just powers from the consent of the governed.

Article IV.

The Contracting Powers recognize the principle that the estab-

lishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council is directed to formulate at once after expert inquiry plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Governments signatory to this Covenant, but when so approved, it shall not be departed from by any signatory without the consent of all.

As the basis for such a reduction of armaments, all the High Contracting Powers hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defense and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The Executive Council shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes.

Article V.

The Contracting Powers jointly and severally agree that should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council of the Body of Delegates or until three months after the award by the arbitra-

tors or a decision by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the decision of the Executive Council.

The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them, which the parties to the dispute recognize to be with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, pending the creation of a permanent court of international justice and in the absence of provisions in any agreement between the parties to the dispute prescribing the constitution of the court to which the dispute shall be submitted, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, from outside their own nations, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a division among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Executive Council.

Fourth Paragraph.—Reserved.

Fifth Paragraph.—Reserved.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration under paragraphs two and three of this article, they shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and the Chancellor shall give notice to the parties and shall make the necessary arrangements for a full hearing, investigation, and consideration. The party upon whose demand the matter has been referred to the League shall file with the Chancellor of the League a statement of its case, with all the facts and papers relevant to the dispute. The party against whom the complaint is made shall be invited by the Chancellor to file a statement of its case, with all relevant facts and papers. The Chancellor shall forthwith publish the statements of the parties. The H.C.P. agree that, in the case of the reference of any dispute to the League under this Article, they will each, whether parties to the dispute or not, place at the disposal of the Council to the fullest possible extent all the information in their possession which bears upon the questions under discussion. The Council shall ascertain and as soon as possible make public all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable, based on the merits of the controversy and calculated to secure a just and lasting settlement. The Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants.

Where the efforts of the Council have led to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanation as may be appropriate. If the dispute has not been settled, the report of the Council to the H.C.P. shall be published. This report shall set forth, with all necessary facts and explanations, the recommendations which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council, other than the parties to the dispute, the H.C.P. hereby agree that none of them will go to war with any party which complies with its provisions. If no unanimous report can be made it shall be the duty of the majority to issue a report indicating what they believe to be the facts and containing the recommendations which they consider just and proper. In the event of any State represented on the Council or of any party to the dispute notifying the Chancellor within a period of 14 days after the demand for reference to the League that in its opinion the dispute is one which should be referred to the Body of Delegates, the Chancellor shall refer the matter to that Body. In addition the Council may at any time in the course of its investigation of a dispute or within the period of three months after the making of its report refer the consideration of the dispute to the Body of Delegates. In such cases all the relevant provisions of this Article regarding the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

Every award by arbitrators and every decision by the Executive Council upon a matter in dispute between States must be rendered within six months after formal reference.

Article VI.

Should any contracting power break or disregard its covenants under *Article V*, it shall thereby *ipso facto* be deemed to have

committed an act of war against all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the League of Nations or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the members of the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The H.C.P. agree, further, that they will mutually support one another in the financial and economic measures which they are bound to take under this Article in order to minimize the loss and inconvenience resulting therefrom, and that they will mutually support one another in resisting any special measures aimed at one of their number by the State with which relations have been broken off, and that they will afford passage through their territory to the armed forces of any of the H.C.P. who are co-operating to resist the breach of the preceding Article.

The covenant-breaking State shall, after the restoration of peace, be subject to the regulations with regard to a peace establishment provided for new States under the terms of *Supplementary Article IV*.

Article VII.

Omitted.

Article VIII.

Any war or threat of war, whether immediately affecting any

of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations and to all the Powers signatory hereto, and those Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nations signatory or adherent to this Covenant to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

Article IX.

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavor to obtain the submission of the dispute to arbitration. If the other Power will not agree to submit the dispute to arbitration, the Contracting Power shall bring the matter to the attention of the Executive Council. The Council shall in such a case, in the name of the League of Nations, invite the Power not a party to this Covenant to become *ad hoc* a party, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or discussion shall be in all respects applicable to the dispute both in favor of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Executive Council to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

Article X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such decision or recommendation, the Contracting Powers engage thereupon to cease all commerce and communication with that Power and also to unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, and to employ jointly any force which may be agreed upon in accordance with Article VI to accomplish that object. The Contracting Powers also undertake to unite in coming to the assistance of the Contracting Power against which hostile action has been taken, and to combine their armed forces in its behalf.

Article XI.

In case of a dispute between States not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates or the Executive Council, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the States, a party to the dispute, shall offer and agree to submit its interests and course of action wholly to the control and decision of the League of Nations, that State shall *ad hoc* be deemed a Contracting Power. If no one of the States, parties to the dispute, shall so offer and agree, the Delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute.

Article XII.

Any Power not a party to this Covenant may apply to the Body

of Delegates for leave to become a party. If the Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they shall act favorably on the application, and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Delegates.

Article XIII.

The Contracting Powers severally agree that the present Covenant and Convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

SUPPLEMENTARY AGREEMENTS.

I, II, III.

Reserved.

IV.

No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

The League of Nations is empowered, directly and without right of delegation, to watch over the relations *inter se* of all new independent States arising or created and shall assume and fulfil the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

V.

The High Contracting Powers will work to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions and they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Also they will appoint Commissions to study conditions of industry and labour in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

VI.

Reserved.

VII.

Recognizing religious persecution and intolerance as fertile sources of war, the Powers signatory hereto agree, and the League of Nations shall exact from all new States and all States seeking admission to it the promise, that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practise any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

VIII.

Reserved.

IX.

The High Contracting Powers agree that any treaty or International engagement entered into between States members of the League, shall be forthwith registered with the Chancellor and as soon as possible published by him.

X.

Reserved.

DOCUMENT 240**Memorandum on the Draft Incorporating Changes in Covenant^a***Preamble.*

The words "jointly and severally" are omitted, as some of the agreements are several. This is the only change.

Articles I and II.

These articles should really be considered together. While incorporating various former provisions, they have been rewritten by the British.

The changes are intended

1. To provide for representatives, so as to permit the representation of the dominions.
2. To limit the Council to the representatives of the Great Powers.
3. To dignify the office of the Secretary, called Chancellor.

In addition, the provision which limited the action of the Body of Delegates to approval of recommendations of the Council is omitted, as the effect of any action of the Body of Delegates, not specifically authorized, is very carefully limited.

Article II-A.

This Article is new. Its provisions are important but relate chiefly to matters of detail.

The final paragraph of this Article, regarding representation of the Dominions, is tentative, *so far as its language is concerned*.

Article II-B.

This Article is new but not important.

a. Author, D. H. M. A summary view of the changes in Document 239 from President Wilson's second Paris Draft (Document 211). See Diary, p. 94.

Article III.

This Article has been recast, but incorporates generally, it is believed, the spirit of the former draft.

Article IV.

Most of the changes are slight.

In the first paragraph, a few words have been inserted and added.

In the second paragraph, there is a verbal change.

In the fourth paragraph, the words regarding private manufacture of munitions have been omitted.

Article V.

In the first paragraph the words "three months after the" are substituted for the words "there has been an".

In the second paragraph are inserted the words "which the parties to the dispute recognize to be".

In the third paragraph are inserted the words "pending the creation of a permanent court of international justice and in the absence of provisions in any agreement between the parties to the dispute prescribing the constitution of the court to which the dispute shall be submitted". Also in the third paragraph the words "tie vote" are changed to "division" as there might be an uneven number of original arbitrators appointed.

The fourth paragraph and the fifth paragraph are reserved as no agreement was reached regarding their provisions.

The sixth paragraph has been somewhat recast but contains the substance and to a large extent the language of the former draft. The real change is a provision to the effect that either one of the parties or the Council itself may refer the investigation to the Body of Delegates.

In the seventh paragraph the period of twelve months is changed to six months.

Article VI.

A few words have been deleted from the second paragraph. The present third paragraph is new.

Article VII.

Former Article VII has been omitted entirely without substitution in the present draft. It is believed that the effect of the provisions is accomplished by those of Article VI and Article X.

Article VIII.

The third and fourth paragraphs in the former draft have been omitted.

Article IX.

In the first paragraph the following words have been deleted: "to judicial decision or" (occurring twice); and also "and to submit its case to judicial decision or to arbitration".

The words "Delegates" in this paragraph has been changed to "Council".

A printer's error in the last line of the first paragraph has been corrected by inserting the words "a party".

Article X.

The words "decision or" have been inserted in the fourth line of the former draft.

In the eighth line of the former draft the words "that may be necessary" have been changed to "which may be agreed upon in accordance with Article VI".

Article XI.

In the second paragraph the word "cause" has been changed to "course".

Article XII.

The following words have been deleted: "whose government is based upon the principle of popular self-government".

Article XIII.

This Article is unchanged.

SUPPLEMENTARY AGREEMENTS.

I, II, and III.

These three Articles are reserved.

In lieu of these three articles, the British propose a draft convention regarding mandataries, which requires detailed examination.

Generally speaking, it may be said that this draft convention recognizes two classes of dependent peoples (a) Assisted States, and (b) Vested Territories held upon trust.

In respect of the "Vested Territories," while adopting some of the principles laid down in Supplementary Articles I, II, and III, the British Convention gives less control to the League and more to the mandataries.

IV.

This Article is unchanged.

V.

This Article has been slightly changed in language and expanded.

VI.

This Article is reserved.

The British suggest the omission for the present of this Article until the specific provisions to be contained in the territorial treaties can be considered.

VII.

This Article is unchanged.

VIII.

This Article is reserved.

IX.

This Article has been somewhat recast.

X.

This Article is reserved.

In lieu of this Article the British propose a draft convention regarding equality of trade conditions, together with a draft convention for freedom of transit and an annex to these conventions.

Detailed analysis of these papers is required before they can properly be compared with the principles of Supplementary Article X.

27 January, 1919.

DOCUMENT 241**Peruvian Note^a**

COMMUNICATION FROM PERUVIAN LEGATION, PARIS, TO FRENCH
MINISTER OF FOREIGN AFFAIRS, ON THE SUBJECT OF
TACNA AND ARICA.

(Received through the Secretary General of the Peace Conference.)

(*Translation.*)

PERUVIAN LEGATION
IN FRANCE.

PARIS, 27 Jan '19

To His Excellency,
The Minister of Foreign Affairs,
Paris,
Sir:

I have the honor to transmit to your Excellency a communication which my Government charged me to make known to you, which it plans to present before the Peace Conference or the League of Nations, and which is as follows:

"In the solemn moment when the Great Powers, after a heroic struggle and superhuman efforts to destroy in Europe the domination of Force, have united to inaugurate the Peace Conference and to reconstruct the world on a basis of justice and respect for international rights, even toward the conquered nations, Peru feels certain that injustice and violence will be prosecuted wherever they exist, and that it will be entirely possible to do away with all causes of future wars between the Republics of Peru and Chili.

"For about 35 years, serious problems have existed, which have kept South American nations in a state of constant agitation, and which more than once have betrayed the peace of this continent.

"Peru, attacked by Chili in 1879, was stripped of the rich department of Tarapaca with its deposits of saltpeter, as a result of

a. See Diary, p. 94.

the treaty signed in 1883. Peru was moreover obliged to agree to the occupation of the two provinces of Tacna and Arica for a period of 10 years, at the expiration of which their inhabitants should decide by plebiscite the future nationality of these territories.

"After four years of stubborn resistance, this treaty imposed on Peru has been violated by Chili, who refuses to restore the provinces after the lapse of the period stipulated, and under different pretexts opposes carrying out the plebiscite.

"This state of affairs, created contrary to all justice by force of arms, has lasted since 1883, and to-day is becoming a most serious crisis. Indeed, the persecutions systematically carried out against the inhabitants of the provinces of Tarapaca, Tacna, and Arica, their bad treatment, and the humiliations of which they are victims, has given rise throughout all Peru to a feeling of indignation which is growing from day to day, and threatens to erect a barrier of hatred between the two countries which will be insurmountable unless an immediate remedy is brought to this situation by bringing these questions to a solution based on the principles of international morality established thanks to the recent war.

"The aim of the great powers is to assure peace throughout the world; this will not be obtained in South America, but on the contrary discord will increase, and fighting will break out again, if the great nations who direct the present movement with all the weight of their moral force, do not come and apply to this conflict between Peru and Chili the necessity of respecting the laws of justice and civilization, and the duties of humanity."

Letter to Colonel House^a

27 January, 1919.

My dear Colonel House:

I have the honor to report that at the conference which I held today with Lord Robert Cecil pursuant to your instructions, tentative agreement was reached between us in respect of the changes proposed in the Covenant except in regard to those matters which were mentioned to you by Lord Robert Cecil at the conference which you held with him and Sir William Wiseman and myself this afternoon.

The changes proposed by Lord Robert Cecil were extremely numerous, and I trust that it will be found satisfactory that those which I found it necessary to accept are quite limited in number.

It may be said, indeed, that these changes are chiefly connected with the first two articles of the paper. The British wish to make these changes with three ends in view:

- (a) The representation of the Dominions, which requires special representatives of the members of the League, the Dominions having no ambassadors or ministers.
- (b) The limitation of the membership of the Council to the Great Powers and those Powers, if any, which the Great Powers shall subsequently choose to add.
- (c) Increased importance of the office of Secretary of the League, who is called Chancellor.

I thought it consistent with your instructions to accept these changes in order to reach agreement, as the two of them first named are regarded by the British as very important, and the third as highly desirable.

^a. In explanation of the differences between Documents 211 and 239. See Diary, p. 95.

While Article III, which is highly important, has been recast, the spirit of the American Draft has, I think, been preserved.

The change in the sixth paragraph of Article V is in substance only an elaboration of procedure.

I think it may fairly be said that the other changes are either verbal or relatively unimportant; for example, Article VII was omitted because its provisions appear to be included in those of Articles VI and X.

Submitted herewith are the following papers:

- (1) The American Draft which you handed to me.^a
- (2) The new Draft which incorporates the changes agreed upon.^b
- (3) A memorandum stating the changes by paragraphs.^c

Very sincerely yours,

DAVID HUNTER MILLER.

Colonel E. M. House,
Hotel de Crillon,
Paris.

a. Document 203.
b. Document 240.
c. Document 241.

DOCUMENT 243**Letter to Lord Robert Cecil^a**

January 27, 1919.

My dear Lord Robert:—

Herewith I beg to hand you a copy of the draft of the Covenant,^b which, I believe, incorporates the changes agreed upon by us at our conference today.

Yours faithfully,

DAVID HUNTER MILLER.

Lord Robert Cecil,
Hotel Majestic,
Paris.

a. See Diary, p. 95.

b. Document 239.

Letter to Colonel House^a

AMERICAN COMMISSION TO NEGOTIATE PEACE

OFFICE OF TECHNICAL ADVISORS

4 PLACE DE LA CONCORDE

PARIS

28 January, 1919.

My dear Colonel House:

If you have not already seen it you may be interested in looking at a copy of the Draft Convention^b regarding mandataries, prepared by Lord Robert Cecil.

Sincerely yours,

DAVID HUNTER MILLER.

Colonel E. M. House,
Hotel de Crillon.

a. See Diary, p. 95. I reproduce the letter heading to show the style used.
b. Documents 227 and 228, combined.

DOCUMENT 245**Notes^a on Draft Convention for "Equality of Trade Conditions"**

The general purpose of the attached draft^b is similar to that of the proposals already submitted to the American plenipotentiaries. But there are some important conditions:

1. The draft attached speaks in terms of the "High Contracting Parties" and seems to relate only to trade between sovereign states and not to trade with colonies and protectorates.

2. There is a short provision of Freedom of Transit, which is supplementary to a more elaborate draft of a separate Convention dealing with Freedom of Transit.

3. Equality of treatment is stipulated with respect to tariffs and import and export restrictions. National treatment is stipulated for vessels, an exception being made for the coasting trade and a special reservation being made in behalf of the principle that the British dominions may confine their coasting trade to British vessels.

4. There is a general provision against the use of unfair forms of competition, but it is not proposed to take over any existing Conventions relating to this subject.

5. Export bounties are not prohibited, but each of the contracting parties is left free to protect itself against direct and indirect bounties including dumping.

6. Differential tariff treatment of trade between dominions and colonies and their home countries is legalized.

7. A most-favored-nation clause, in its European form, is included. This creates unnecessary difficulties and is objectionable.

8. There is no provision for a permanent commercial commission, but it has provided for special commissions of inquiry, of three members each, to which complaints shall be referred. The

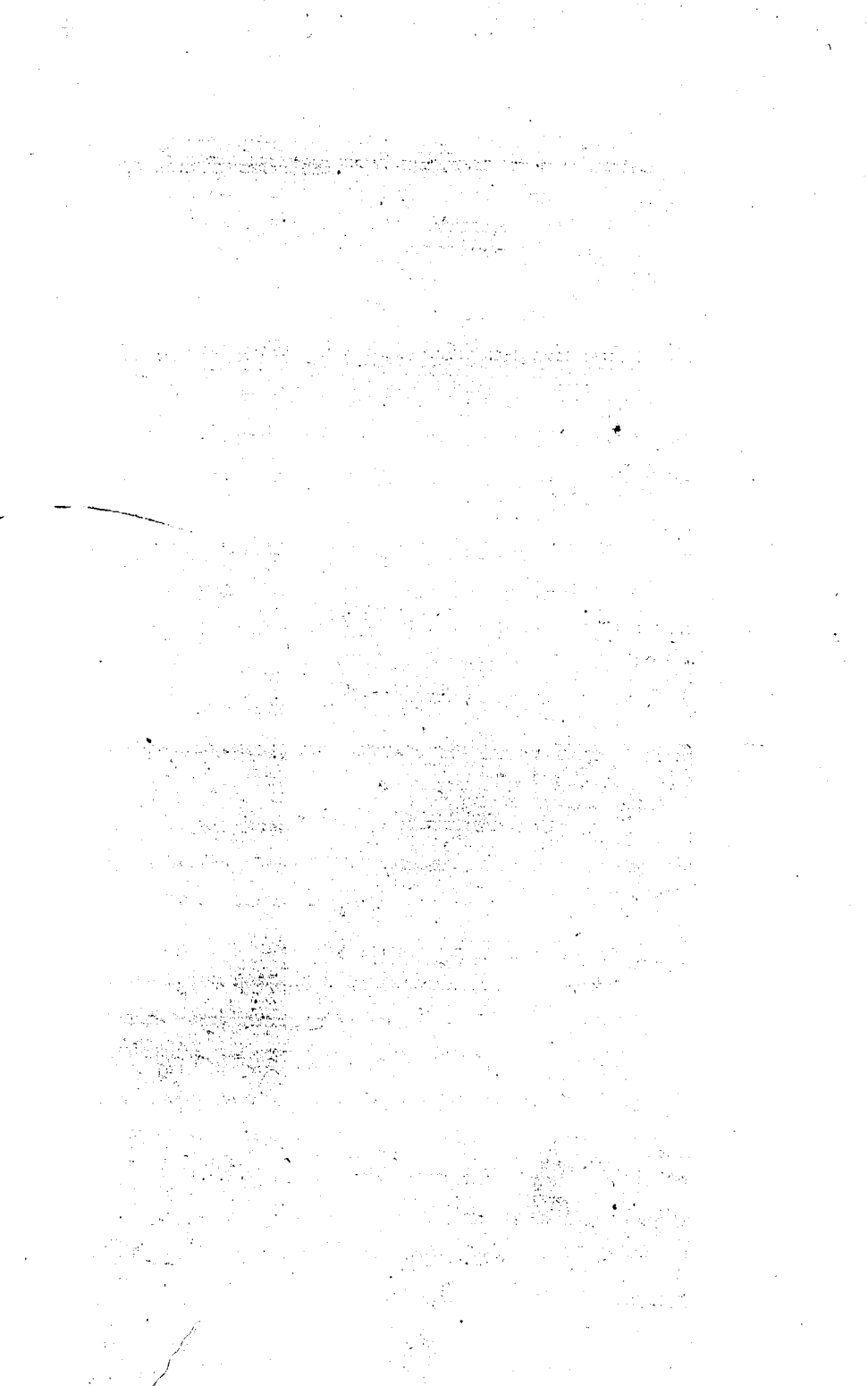
a. Author, A. A. Young. See Diary, p. 95.

b. Document 221.

findings of the commission, it is suggested, may be communicated to each of the states concerned for approval or disapproval, and in case of disapproval the matter may be taken on appeal to an international court.

9. The only sanction specifically provided is that any state which is in default may not claim the privilege of equality of trade conditions or of freedom of transit.

10. There is no provision for customs union, although I am informed that those who drafted this proposed Convention have considered the problem and are not adverse to permitting customs unions in specified areas, composed of states with continuous territory.



**Outline of Tentative Report and Recommendations Prepared by the
Intelligence Section, in Accordance with Instructions,
for the President and the Plenipotentiaries
January 21, 1919^a**

INTRODUCTION.

The following report covers three groups of questions:

	Pages
A. Territorial	5-84
B. Economic	85-92
C. Labor	93-98

A. TERRITORIAL.

The territorial section includes compact recommendations, discussions, and maps covering the following problem areas:

	Pages	
1 Alsace-Lorraine	5-8	
2 Belgium	9-11	
3 Luxemburg	12	
4 Schleswig	13-14	
5 Russia	15-17	
6 Finland	18-19	
7 Esthonia	20	
8 Lettonia	21	
9 Poland and Lithuania	22-26	
10 The Ukraine	27-28	
11 Transcaucasia	29-30	
12 Czecho-Slovakia	31-34	
*13 Rumania	35-38	*2
14 Jugo-Slavia	39-45	
15 Italy	46-50	
16 German Austria	51-53	
17 Hungary	54-55	

a. See Diary, p. 95.

18	Albania	56-58
19	Greece	59-60
20	Bulgaria	61-64
21	Constantinople and the Straits	65-68
22	Turkey	69-70
23	Armenia	71-73
24	Mesopotamia	74-75
25	Syria	76-77
26	Palestine	78-80
27	Arabia	81-84

The small maps interleaved with the text of the report are supplemented by a general assembly map^a of Europe and western Asia showing the ethnic lines, the recommended boundaries, and also the boundaries of 1914.

A subsequent report will deal with the remaining problem areas to be considered by the conference.

B. ECONOMIC.

The economic section of the report includes recommendations on the following topics:

	1) No tariff discriminations.....	87
	2) National treatment of vessels.....	88
	3) Equal treatment of goods imported or exported by different routes.....	88
*3	*4) Exceptions to the above recommenda- tions	88-89
	5) Freedom of transit.....	90
	6) No export bounties.....	90
	7) Suppression of unfair competition....	90
	8) A state engaged in international trade should be bound by the law.....	91
	9) An international Trade Commission	91-92

a. I have no copy of this map.

C. LABOR.

The labor section of the report deals with the following topics:

I. Existing International Agreements.. 94

- 1) Child labor.
- 2) Labor of women and young persons.
- 3) Migratory labor.

II. Relation to the League of Nations.. 95

- 1) A Periodic Conference upon the International Aspect of Labor Legislation in general.
- 2) A Bureau to serve these Periodic Conferences.

Our instructions were, in presenting recommendations, to be definite and set forth the best judgment we could attain at the moment. Naturally *our confidence in the conclusions pre- *4sented varies greatly. Our understanding is that the recommendations presented are to serve as points of departure for the Commission.

Supporting these brief and simple discussions are manuscript reports and much documentary material; and the specialists are prepared to submit full memoranda on the request of the Commissioners.

*5

*1. ALSACE-LORRAINE.

It is recommended:

1) That the provinces of Alsace and Lorraine with their boundaries as of 1870 be restored to France.

2) That in addition territory in the basin of the Saar forming a part of Lorraine in 1814 be also restored to France, equitable compensation being made to those Germans who wish to sell their property to repatriate themselves.

3) That within the territory west of the Rhine which shall continue to form a part of Germany:

a) All fortifications be destroyed.

b) The erection of new fortifications be forbidden.

c) The levy or presence of armed forces other than those strictly necessary for police purposes be forbidden.

4) (Alternative recommendation to the preceding)—That, if the proposal for disarmament of the left bank of the Rhine be un-

*6 acceptable, the fullest *consideration be given to the proposal that the French frontier be extended northward to include most of the basin of the Saar, as shown by the purple line on map 1, and that there be added to Alsace the territory between the Lauter and the Queich, so that the new French frontier in those regions may correspond to the frontier of 1814.

DISCUSSION.

1) It is recommended that the provinces of Alsace and Lorraine with their boundaries as of 1870 be restored to France.

This recommendation need not be discussed, since it is a matter of common agreement that "the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted."

2) It is recommended that in addition territory in the basin of the Saar forming a part of Lorraine in 1814 be also restored to France, equitable compensation being made to those Germans who wish to sell their property to repatriate themselves.

This recommendation is made because the change from the 1814 to the 1815 line was the first of the series of Prussian encroachments on French territory, in a region where it produced a maximum disturbance of the economic life of France.

*The restoration of the line of 1814 in Lorraine may also be viewed as an indemnity for the damage inflicted by Germany to the French coal mines of Lens and Valenciennes. *7

The additional cession would transfer to France a German-speaking population of about 355,000 people, who have shown no desire for union with France. But the present desires of these people should not prevent a just disposition of this important coal deposit in favor of a country whose limited coal supplies have been much reduced by unlicensed German exploitation and destruction in the present war.

It is, of course, necessary to make liberal arrangements for compensating those inhabitants who wish to remove to Germany, and this is a part of the recommendation.

As to larger cessions to France in the region, they would be contrary to the desires of the inhabitants, and have, we are sure, no sufficient historic, strategic, or economic bases.

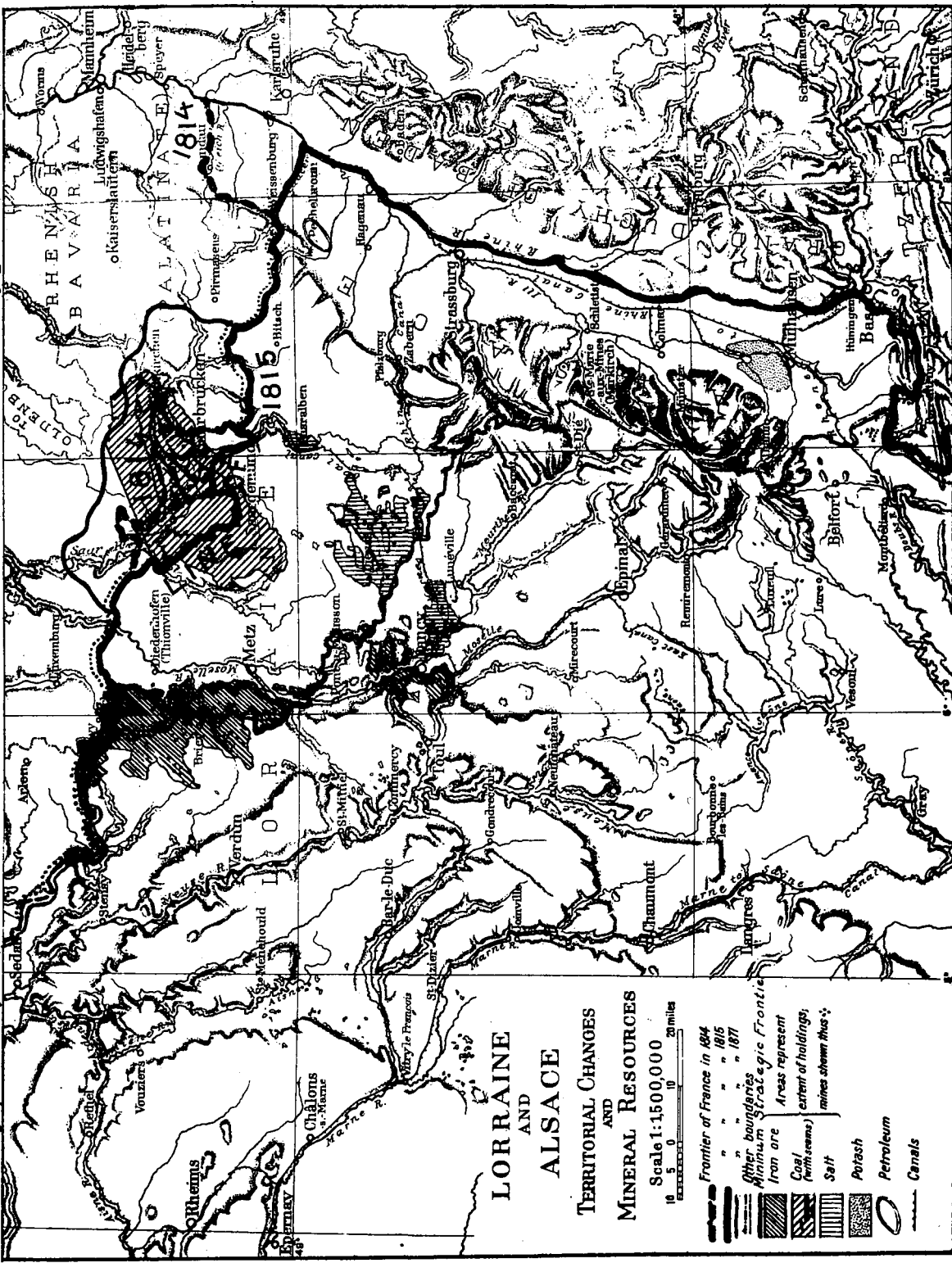
3) It is recommended that within the territory west of the Rhine which shall continue to form a part of Germany: a) All fortifications be destroyed; b) The erection of new fortifications be forbidden; and c) The levy or presence of armed forces other than those strictly necessary for police purposes be forbidden.

The concentration of a major part of the French iron and coal resources in this neighborhood renders her peculiarly vulnerable to a sudden attack launched by Germany from the region west of the Rhine. Recommendation 3) is justified as a means of withdrawing this perilous advantage from Germany. *8

Germany's industrial region to the east of the Rhine is, it is thought, sufficiently guarded by that river as a major military obstacle.

4) (Alternative recommendation to the preceding)—It is recommended that, if the proposal for disarmament of the left bank of the Rhine be unacceptable, the fullest consideration be given to the proposal that the French frontier be extended northward to include most of the basin of the Saar, as shown by the purple line on map 1, and that there be added to Alsace the territory between the Lauter and the Queich, so that the new French frontier in those regions may correspond to the frontier of 1814.

If the disarmament of the German territory on the left bank of the Rhine is disapproved, the protection to France that this was intended to effect may have to be secured by pushing her frontier in the valley of the Saar beyond the line of 1814 so as to include most of the remainder of the basin of the Saar as shown on map 1, and by adding to Alsace the territory between the Lauter and the Queich so that the new French frontier in this latter region may correspond to the frontier of 1814.



*2. BELGIUM.

*9

It is recommended:

- 1) That the treaty imposed on Belgium in 1839 be revised.
- 2) That the neutral status of Belgium be abolished.
- 3) That the restriction be removed that "Antwerp shall be solely a port of commerce," and that Holland's exclusive rights over the lower Scheldt be abolished.
- 4) That the eastern frontier of Belgium be rectified in the Malmedy and Maastricht regions, as shown on map 2.

DISCUSSION.

- 1) It is recommended that the treaty imposed on Belgium in 1839 be revised.

The treaty of 1839 was imposed upon Belgium by the five Powers, and certain of its provisions were accepted by Belgium under protest. Of the five Powers of 1839 only France and England are now in a position to act, while Holland, another signatory vitally interested, is not a member of *the present peace conference. Furthermore, Germany definitely violated the neutrality of Belgium. Under these circumstances a revision of the treaty is essential. *10

- 2) It is recommended that the neutral status of Belgium be abolished.

Belgium asks for the abolition of her neutral status because she lost in 1914 whatever advantage she might have had by a guaranteed neutrality, and therefore she has no correlative obligation to observe neutrality toward others.

There is common agreement that confidence in international law would be gravely impaired among the nations if any attempt were made to limit the sovereignty which Belgium should enjoy in common with all other free peoples (see President Wilson's seventh point).

- 3) It is recommended that the restriction be removed that "Antwerp shall be solely a port of commerce," and that Holland's exclusive rights over the lower Scheldt be abolished.

The freedom of the Scheldt is a matter of vital interest to Belgium. The Scheldt is the chief commercial highway of that country, and her main means of communication with

the outside world. Yet the sovereignty of the lower course of the river for 45 miles is exercised by Holland in such a way as to limit Belgium in time of peace and to close the river to all navigation in time of war. Holland's policy has been essentially negative and selfish, injuring Antwerp for the benefit of Rotterdam; and her exclusive rights should be abolished.

* I I *This could be accomplished by the cession to Belgium of the territory on the southern bank of the Scheldt, whose natural relations are with Belgium. The area of this territory is 275 square miles, with only 79,000 inhabitants. The cession of it would give Belgium her natural frontier of defence and the commercial and military freedom which she requires.

4) It is recommended that the eastern frontier of Belgium be rectified in the Malmedy and Maastricht regions, as shown on map 2.

The necessity for the rectification of Belgium's eastern frontier can be understood only by examining a map. The eastern frontier of Belgium is reduced by the long narrow extension of Holland's territory between Limburg and Maastricht. The neutrality of both Holland and Luxemburg was violated by Germany on the ground of so-called military necessity.

Moreover, the frontier between Belgium and Prussia fixed in 1815 by the annexations of Prussia now stands in such relation to the city of Liège that this great industrial and military center is within range of German guns. The whole of southern Belgium is open to easy invasion. In addition to this, Germany's action was notorious in the years before the war in building strategic railways along the Belgian frontier, railways which constitute a permanent menace to Belgium unless they are destroyed or the frontier extended beyond them.

The people of most of the territory thus added speak a German dialect, but about Malmedy the language is still Walloon, and the relations with Belgium are especially close.

It should be observed, however, that no readjustment of the eastern frontier would be so advantageous to Belgium as the complete and effective disarmament of the left bank of the Rhine, recommended in the report on Alsace-Lorraine, page 7.

*3. LUXEMBURG.

*12

It is recommended:

- 1) That the grand duchy of Luxemburg be joined to Belgium or be given an independent status, as its people may prefer.

DISCUSSION.

The grand duchy of Luxemburg was separated from Belgium in 1839, and constituted the German-speaking portion of the province of Luxemburg in Belgium. Belgium has always resented this separation, and is now asking for the reunion of the grand duchy with Belgium. Opinion in the grand duchy has not yet crystallized.

There is an active propaganda now going on in favor of union with France, although the French government has declared that it has no designs upon Luxemburg. The annexation of Luxemburg by France would be a serious disadvantage to Belgium. It would partially enclose her southernmost province and would add still more to the iron resources of France, thus making Belgium absolutely dependent upon France for her supply.

*4. SCHLESWIG.

*13

It is recommended:

- 1) That the northern districts of Schleswig be ceded to Denmark, if a plebiscite shows that the people wish to be united to Denmark.

DISCUSSION.

This recommendation is based upon a provision of the treaty of Prague, 1866, Article V, a provision which was never carried out by Prussia. A popular vote on the subject was promised by President Wilson in his letter published November 23, 1918.

Care must be exercised in the holding of a plebiscite lest the will of the Danish-speaking people of the north be frustrated by the German majorities to the south, and by German manipulation.

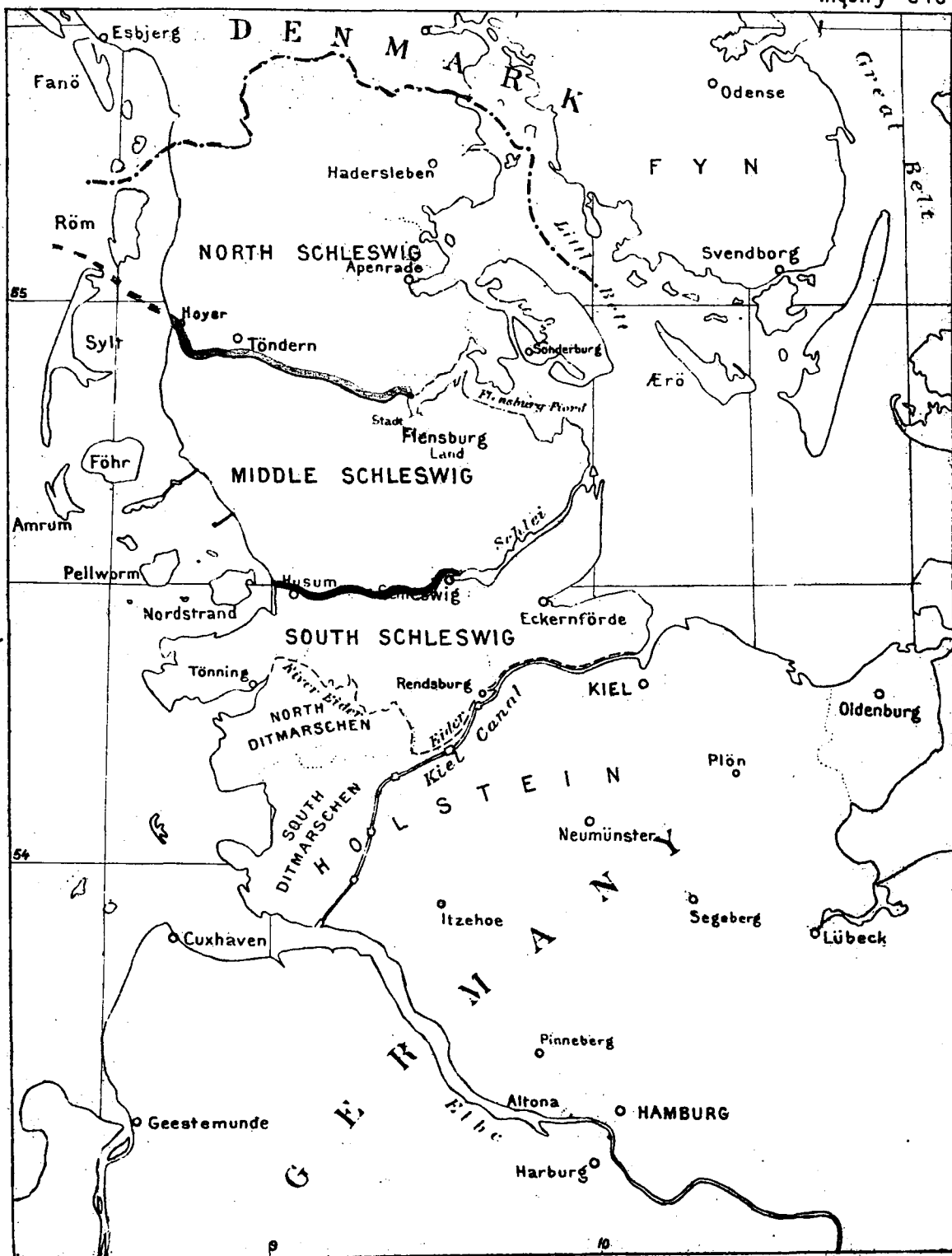
The North Schleswig Voters Association has provided a just and safe plan. They propose that a vote be taken throughout North Schleswig as a whole by all men and women aged twenty years or over who were either born in Schleswig or have resided there for ten years. An analysis of all available data indicates that the blue line on map 3 delimits the Danish-speaking districts of North Schleswig, which would have an area of 15,040 square miles (Rhode Island 10,067 square miles) and a population of 165,000.

South of the blue line on the map is the territory *14 of Middle Schleswig, which includes *the cities of Schleswig and Husum and is delimited on the south by the red line. This region should also have an opportunity to vote upon the question of union with Denmark, but the vote should be taken separately from that of North Schleswig and preferably by small administrative districts and islands, because it is a region of mixed population where the Danish speaking element is much smaller than in the north and the relations with Denmark less close.

A plebiscite should also be taken in south Schleswig if desired, but it is in the main a German-speaking region and should vote separately.

It should be noted that the discussion of the problem of a plebiscite has nothing to do with the internationalization of the Kiel Canal and a proposed neutral belt on its northern border, nor with the future of the island of Heligoland which in the past has been united for administrative purposes to the province of Schleswig-Holstein.

Inquiry - 646



*5. RUSSIA.

*15

It is recommended:

1) That encouragement be given, at opportune times, to the reunion with Russia of those border regions of the south and west which have broken away and set up their own national governments, particularly the Baltic Provinces and the Ukraine, if reunion can be accomplished within a federalized or genuinely democratic Russia.

2) That there be excepted from the general application of the principle above mentioned Finland, Poland, the Armenians in Transcaucasia, and probably Lithuania. See map 4.

DISCUSSION.

1) It is recommended that encouragement be given, at opportune times, to the reunion with Russia of those border regions of the south and west which have broken away and set up their own national governments, particularly the Baltic Provinces and the Ukraine, if *reunion can be accomplished within a federal- *16 ized or genuinely democratic Russia.

Russia may be divided into great natural regions, each with its own distinctive economic life. No one region is self-sufficient enough to form a strong state. The economic welfare of all would be served by reunion on a federal basis, which would, of course, also have other evident advantages.

On the other hand, if the Bolshevik government is in power and is continuing its present course at the time when Russian territorial questions are settled at the peace conference, there seems to be no alternative to accepting the independence and tracing the frontiers of all the non-Russian nationalities under discussion.

It may, however, be advisable to make recognition of such countries as the Ukraine or the Esth or Lettish republics conditional upon the holding of a referendum some years later upon the question of reunion with Russia.

2) It is recommended that there be excepted from the general

application of the principle above mentioned Finland, Poland, the Armenians of Transcaucasia, and probably Lithuania.

With reference to the exceptions to the first recommendation, it may be noted that they represent nationalities whose severance from the Russian Empire would not destroy the Russian economic fabric, and would at the same time liberate peoples who, because of historic oppressions and geographical position, would *probably develop a stronger political and economic life if permitted to separate from the rest of the former Russian Empire.

Among these exceptions the case of Lithuania is much less clear-cut than the others. If she unites with Poland, as now seems quite possible, she will naturally share Poland's independence. If not, she will be in the position of the Esths and Letts rather than of the Finns and Poles.

PROPOSED BOUNDARIES IN RUSSIA

Inquiry 662

4



— Linguistic Boundary

*6. FINLAND.

*18

It is recommended:

- 1) That there be established the state of Finland, with boundaries as outlined on map 5.
- 2) That the Aland Islands, formerly a part of Russia, be transferred to Sweden.

DISCUSSION.

- 1) It is recommended that there be established the state of Finland, with boundaries as outlined on map 5.

The contest between the Finns and the Russians was marked in later years by growing intolerance of Finnish aspirations. The separatist movement gained new impetus under these conditions, and in the past two years has developed rapidly. Racially dissimilar, the Finns have widened the differences between themselves and the Russians by their progressiveness and by an economic and political independence which calls for the establishment of a new state.

The boundaries of the proposed state are extended northward so as to include an outlet upon the Arctic Ocean. This would work no detriment to Russia, since Finland acquires only a narrow and almost uninhabited strip of territory about 150 miles long and 40 miles wide, which includes, however, the excellent ice-free harbor of Pachenga.

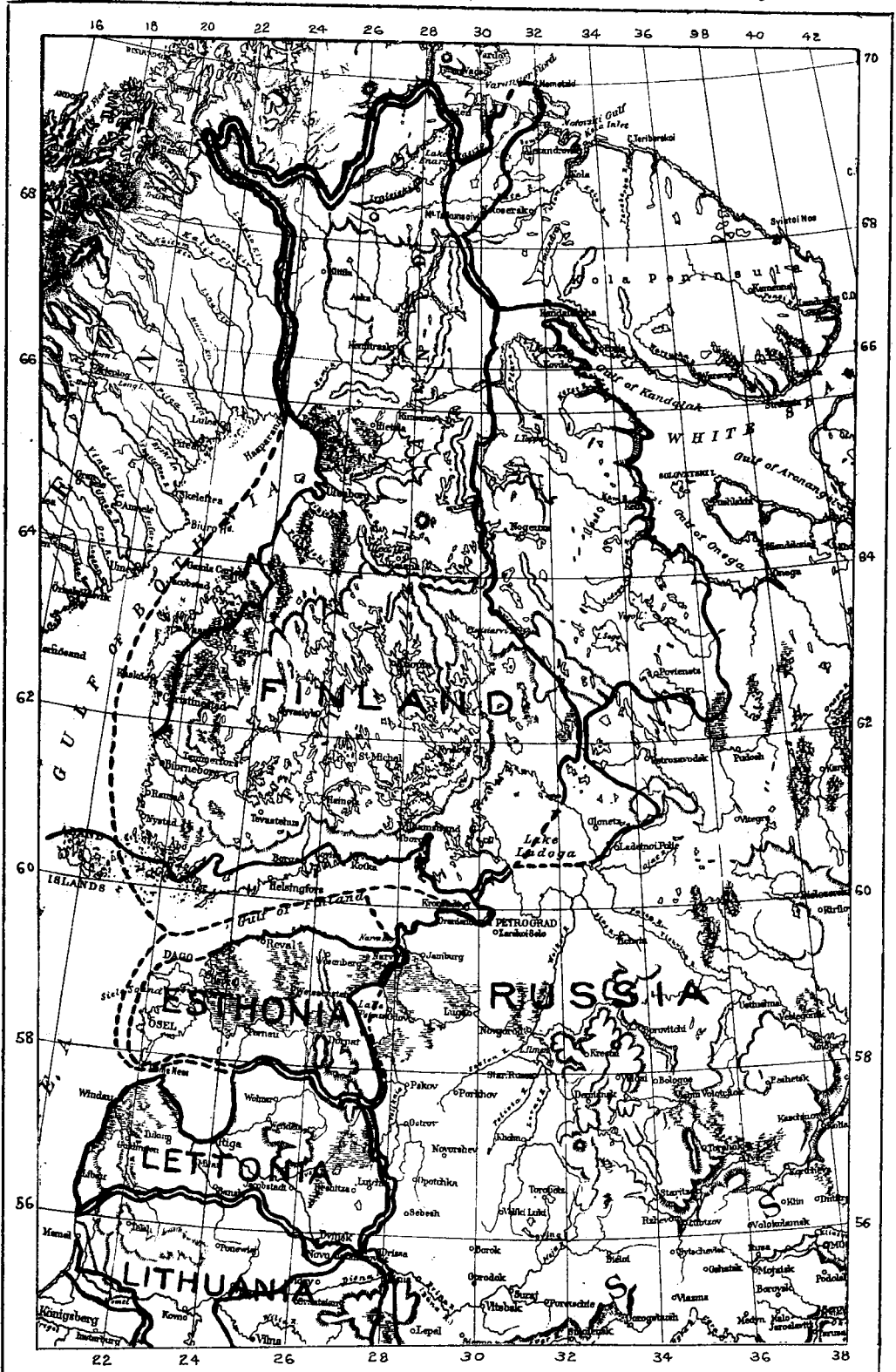
*Otherwise the proposed boundary follows natural features and lines of ethnic demarcation and, as on the northwest, an established historic frontier. *19

- 2) It is recommended that the Aland Islands, formerly a part of Russia, be transferred to Sweden.

The Aland Islands should be transferred to Sweden because: a) Their population is almost purely Swedish in race and language; and b) Their inhabitants have repeatedly expressed, in the last year, a strong desire to be united to Sweden.

As defined on the map Finland would have an area of about 400,000 square kilometers and a population of 3,250,000.

Inquiry 658



— Linguistic Boundary

7. ESTHONIA.**20**

It is recommended:

1) That there be established the state of Esthonia, with boundaries as shown on map 5.

DISCUSSION.

The limits of the proposed state practically coincide with the limits of the Esth ethnic area, and on the east with the administrative frontier between the Baltic Provinces and Russia proper. Only on the southeast does it encroach on historically Russian territory to take in the Pechory district, inhabited predominantly by Esths.

Within the indicated frontiers Esthonia would have an area of 44,000 square kilometers (twice the size of Massachusetts), and a population of 1,175,000.

8. LETTONIA.**21**

It is recommended:

1) That there be established the state of Lettonia, with boundaries as indicated on map 5.

DISCUSSION.

The proposed state of Lettonia is limited by boundaries which follow remarkably clean-cut and long-standing Lettish ethnic frontiers, and cannot be defined in terms of natural features because there is a striking absence of topographic relief. As drawn upon the map the line corresponds nearly everywhere to the boundaries of existing administrative divisions.

The state would include 61,000 square kilometers (about three times the size of Massachusetts) and a population of about 2,600,000.

***22 *9. POLAND AND LITHUANIA.**

It is recommended:

1) That a) an independent Polish state be established which
b) shall include indisputably Polish populations. See map 6.

2) That a union of Poland and Lithuania be effected, if possible, with boundaries as shown on map 6.

3) That, if this union is not effected, Poland and Lithuania be established as mutually independent states, with boundaries not as shown on map 6, but adjusted to the ethnic facts in the Vilna-Grodno-Minsk district.

4) That Poland be given a secure and unhampered access to the Baltic.

DISCUSSION.

1) It is recommended: That a) an independent Polish state be established which b) shall include indisputably Polish populations.

1-a The world has agreed that a Polish state shall be
***23** established which shall be politi*cally, and, as far as possible, economically independent.

1-b If a new Polish state is formed it follows that the frontiers should be drawn so as to include all of the Polish majorities contiguous to the main group, in order not to leave upon the outside Polish districts that may form the center of irredentist movements.

The eastern frontier assigned on the map to the Polish-Lithuanian-Catholic White Russian complex ought to stand, because it is based primarily on the line of religious division between Catholics and Orthodox.

The proposed Poland might include on the southeast the hotly disputed and very puzzling territory and population of eastern Galicia, included between the solid and the dotted lines on the map. The region should be assigned to Poland only if the Ukraine is in its present state of chaos, and then only as a self-governing province, guaranteed by the League of Nations the right to decide its own allegiance at a later date.

If at the time of decision by the peace conference the Ukraine should give evidences of vitality, the disputed belt should be assigned to it, because in that region the Ukrainians (although very backward in culture) outnumber the Poles two to one.

In the duchy of Teschen the boundary follows the Polish-Czech linguistic line, disregarding Czech claims to the whole of this rich little territory on a weak basis of "historic rights."

To the west, in Germany, the boundary has been drawn so as to include only unmistakably Polish territory, in so far as the sinuosities of the linguistic frontier permit.

*2) It is recommended that a union of Poland and *24
Lithuania be effected, if possible, with boundaries as shown on map 6.

Poland and Lithuania are bound together by so many historic ties and common economic interests that their former political union, lasting for many centuries, should be restored. Lithuania is not strong enough to stand alone.

The suggested union is universally desired by the Poles, and the Lithuanians could probably be brought to accept it if the terms of the union guaranteed full equality between their state and Poland, and if they were favored in the settlement of the chief dispute between them and Poland. This dispute relates to the governments of Vilna, Grodno, and Minsk, which were historically and ethnically Lithuanian, but which have long since been denationalized and more and more polonized. If the union depended upon it the Poles would probably concede these territories to Lithuania.

3) It is recommended that, if this union is not effected, Poland and Lithuania be established as mutually independent states, with boundaries not as shown on map 6, but adjusted to the ethnic facts in the Vilna-Grodno-Minsk district.

If a union of Poland and Lithuania cannot be brought about an acrimonious dispute as to the three governments mentioned above will be developed between the two states.

These governments lie in a region where statistics are more defective than in any other part of the Russian Empire in Europe. Only a careful census conducted by an im-
 *25 partial commission could supply *the facts. Only a very tentative boundary line between the two independent states is given on map 6.

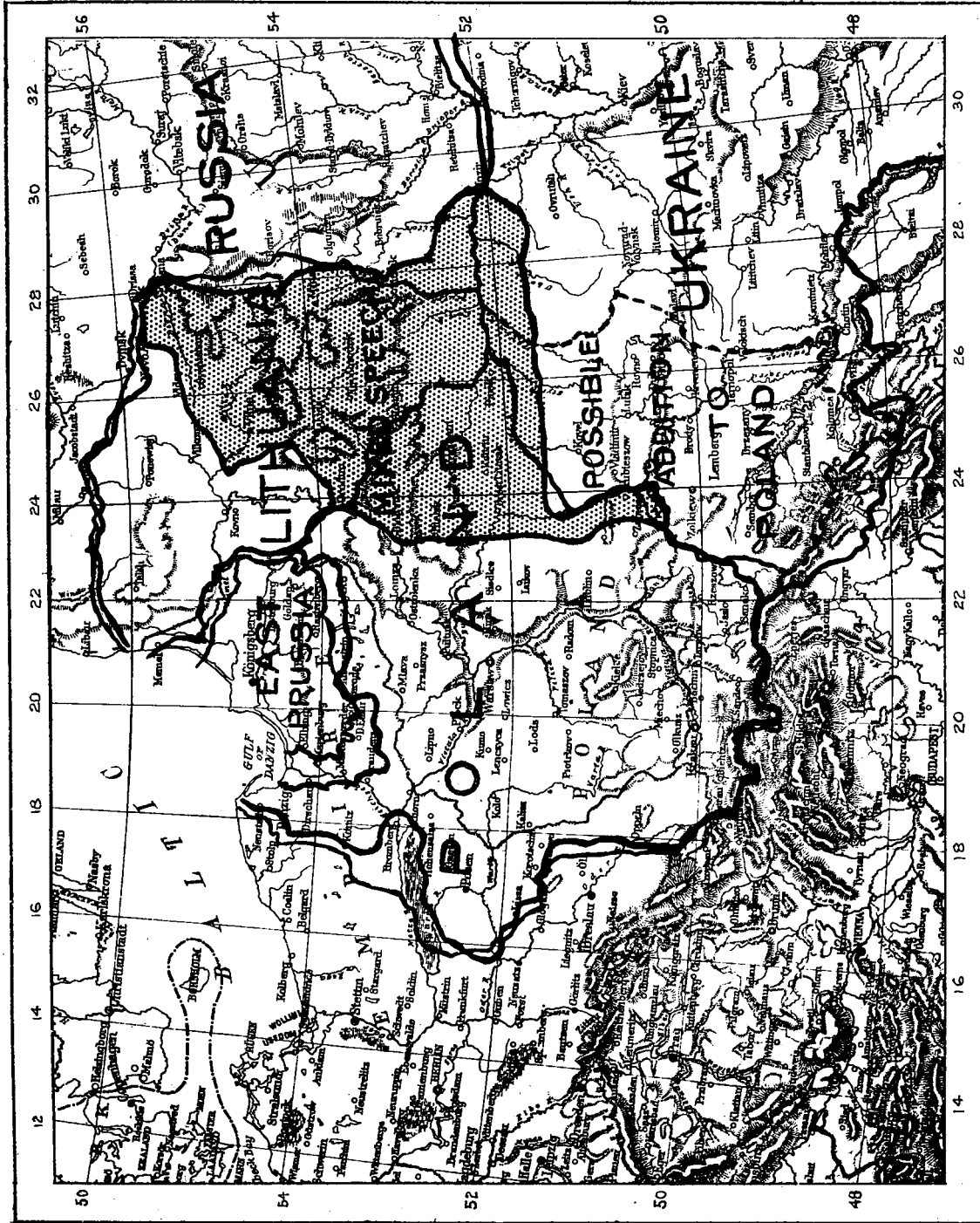
As outlined on the map the state of Lithuania would have an area of about 132,000 square kilometers and a population of about 6,100,000.

4) It is recommended that Poland be given a secure and un-
 hampered access to the Baltic.

The problem of Polish access to the sea is very difficult. If such access is accorded through continuous Polish territory the province of East Prussia, with a population of 1,600,000 Germans, will be cut off from the rest of Germany. If Poland does not thus secure access to the sea, 600,000 Poles in West Prussia will remain under German rule and 20,000,000 Poles in Poland proper will probably have but a hampered and precarious commercial outlet, subject to alien and, for a time at least, hostile (cf. Posen) decision.

It is believed that the lesser of these evils is preferable, and that the "Corridor" and Danzig should be ceded to Poland, as shown on map 6. East Prussia, though territorially cut off from the rest of Germany, could easily be assured railroad transit across the Polish corridor (a simple matter as compared with assuring port facilities to Poland), and has, in addition, excellent communication via Königsberg and the Baltic.

In either case a people is asked to entrust large interests to the League of Nations. In the case of Poland they are vital interests; in the case of Germany, aside from Prussian sentiment, they are quite secondary. The line of separation of Eastern Prussia from Poland is a very sharply defined linguistic line, and leaves relatively small Polish
 *26 populations subject to *Germany and small German populations subject to Poland. The map, 6, shows an alternative line, however, which leaves all but the south-eastern corner of West Prussia to Germany.



*10. THE UKRAINE.

*27

It is recommended:

1) That there be established a Ukrainian state, provided Ukrainian nationalism is strong enough to justify that decision. See maps 4 and 7.

2) That Eastern Galicia be included in the Ukrainian state, if the state is strong; otherwise, in Poland as a self-governing province, guaranteed the right to determine its allegiance at a later date.

3) That the Crimea be given to the Ukraine.

DISCUSSION.

1) It is recommended that there be established a Ukrainian state, provided Ukrainian nationalism is strong enough to justify that decision.

The Ukraine to-day is in a state of chaos, and it is still uncertain which will gain the upper hand, the Russian sympathies of the upper classes or the Bolshevik or anarchist tendencies of the masses.

If the population can be pulled together and a state established as outlined on maps 4 and 7, the Ukraine would have an area *of nearly 600,000 square kilo- *28
meters, or somewhat larger than the German Empire, and a population of nearly 37,000,000.

2) It is recommended that Eastern Galicia be included in the Ukrainian state, if the state is strong; otherwise, in Poland as a self-governing province, guaranteed the right to determine its allegiance at a later date.

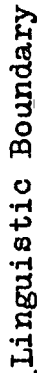
The boundaries of the proposed Polish state might include on the southeast the hotly disputed and very puzzling territory and population of Eastern Galicia, included between the solid and the dotted lines on the map. The region should be assigned to Poland only if the Ukraine is in its present state of chaos, and then only as a self-governing

province, guaranteed by the League of Nations the right to decide its own allegiance at a later date.

If at the time of decision by the peace conference the Ukraine should give evidences of vitality, the disputed belt should be assigned to it, because in that region the Ukrainians (although very backward in culture) outnumber the Poles two to one.

- 3) It is recommended that the Crimea be given to the Ukraine.

The population of the Crimea is predominantly Tatar and Great Russian. It seems best, however, to attach the Crimea to the Ukraine, since: a) it is cut off from Russia proper by a belt of unmistakably Ukrainian territory; b) the creation of a small Crimean state seems inexpedient; c) the Ukraine has at best but a restricted outlet upon the Black Sea.



*II. TRANSCAUCASIA.

*29

It is recommended:

- 1) That the Armenians of Transcaucasia be given permanent independence as a part of the new Armenian state. See maps 7 and 20.
- 2) That the Georgians receive provisional independence.
- 3) That the Azerbaijan Tatars receive provisional independence.

DISCUSSION.

- 1) It is recommended that the Armenians of Transcaucasia be given permanent independence as a part of the new Armenian state.

The Armenians of Transcaucasia form a compact group of people near the historic homeland of the Armenoid race. Though they were under the Russian flag in 1914 they represent one of the peripheral groups absorbed in relatively late years by the slowly expanding empire of the Czars. No local differences set them apart from their kinsmen in Turkey, and they should be reunited with the rest of the Armenian population in that region in order 1) to give the new state every reasonable element of strength; 2) to follow the principle of grouping in a common domain people of like religion, political sympathies and speech.

- *2) It is recommended that the Georgians receive pro- *30
visional independence.

The proposed state of Georgia would have an ample outlet upon the Black Sea from Batum northward, would have an excellent northern frontier in the snowy heights of the Caucasus Mountains, would be limited on the east by a fairly clear-cut ethnic line, and on the south by the borders of the Armenian highlands.

Such a state would have an area of 67,000 square kilometers and a population of 2,550,000.

Possibly the Georgians would wish to join Armenia in some federal scheme, and if this could be accomplished it might well be to their mutual advantage. There has developed between them a certain amount of political dif-

ference, and for this reason a provisional independence is recommended. If this tension can be diminished a future union would be desirable.

3) It is recommended that the Azerbaijan Tatars receive provisional independence.

The Azerbaijan Tatars are a distinct ethnic group requiring separate consideration on account of marked differences of race and religion. Were this group to be included in a Georgian or Armenian state it would constitute a disturbing element. Hence provisional independence is recommended, pending the stabilizing of the states in this region, and a possible union with Georgia and Armenia.

If the independence of the state is realized on the lines laid down on map 7, it would have an area of 90,000 square kilometers and a population of 2,400,000.

*31 *12. CZECHO-SLOVAKIA.

It is recommended:

1) That there be established a Czecho-Slovak state, with boundaries as shown on maps 8 and 16.

2) That the red cross-lined Ruthenian area shown on map 16 be either:

- a) placed as a separate state under the protection of Czecho-Slovakia as a mandatory of the League of Nations; or
- b) incorporated in the Czecho-Slovak state.

3) That under strong international guarantees the Czecho-Slovak state have a secure outlet to the sea, and that neighboring states have the right of transit across the Czecho-Slovak territory.

DISCUSSION.

1) It is recommended that there be established a Czecho-Slovak state, with boundaries as shown on maps 8 and 16.

The establishment of a Czecho-Slovak state is now a *fait accompli*. Its governmental machinery has been or-

ganized, and it only remains to fix the conditions of its existence and of its frontiers.

*In Austria the boundary follows the historical *32 frontiers of the Bohemian crownlands, with slight rectifications to conform with the Polish frontier in German Silesia and to exclude the Polish district around Teschen.

Such a frontier would include more than 2,500,000 Germans, but the economic interests of these Germans bind them to the Czecho-Slovak state. Their own sentiment is reported to be chiefly in favor of the proposed union, provided they are guaranteed minority rights and economic equality.

In Hungary the recommended frontier runs south of the linguistic border and includes more than 500,000 Magyars. There is thus afforded, along a short strip of the Danube, a commercial outlet of great importance to a landlocked state. Moreover, were the ethnic lines to be followed it would cross at right angles the main northern tributary valleys of the Danube in this region, and seriously derange the economic relations of the people.

The state of Czecho-Slovakia would have about the area and roughly the dimensions of New York state, and would have a population not greatly in excess.

2) It is recommended that the red cross-lined Ruthenian area shown on map 16 be either:

- a) placed as a separate state under the protection of Czecho-Slovakia as a mandatory of the League of Nations; or
- b) incorporated in the Czecho-Slovak state.

It is undesirable that the Ruthenians of eastern Hungary should continue under Hungarian rule. They have suffered particularly from *Magyar oppression, *33 which has led to intense hatred of Hungarian government and to a strong movement of emigration. It is undesirable that a Hungarian wedge be thrust between the Rumanians and the Czecho-Slovaks.

The union of the Ruthenians of eastern Hungary with Poland or with a Ukrainian state seems undesirable. The Poles are unwilling to incorporate these territories, and their rule would be hateful to the Ruthenians. Union with the Ukraine, which might lead to incorporation within a

future Russia, is opposed by many Ruthenians. It is certainly undesirable that Russia should ever extend across the Carpathians, down to the Hungarian plain.

The physical weakness of Ruthenia and the political incapacity of its inhabitants seem to forbid the possibility of its becoming a completely independent state.

The political control of Czecho-Slovakia over Ruthenia has been advocated by Ruthenian representatives. Slovaks and Ruthenians live under the same social and economic conditions, and their interests are closely allied. Czecho-Slovakia would give these backward people greater opportunities for development than any other political régime.

2-b This solution is simpler than Recommendation 2a) above, and better unless the extreme and very narrow elongation of the Czecho-Slovak state eastward should be considered unacceptable.

Within the boundaries of red-cross-lined Ruthenia as shown on map 16, there is a population of rather less than 400,000, which corresponds to the population of Rhode Island (540,000).

*34 *3) It is recommended that under strong international guarantees the Czecho-Slovak state have a secure outlet to the sea, and that neighboring states have the right of transit across the Czecho-Slovak territory.

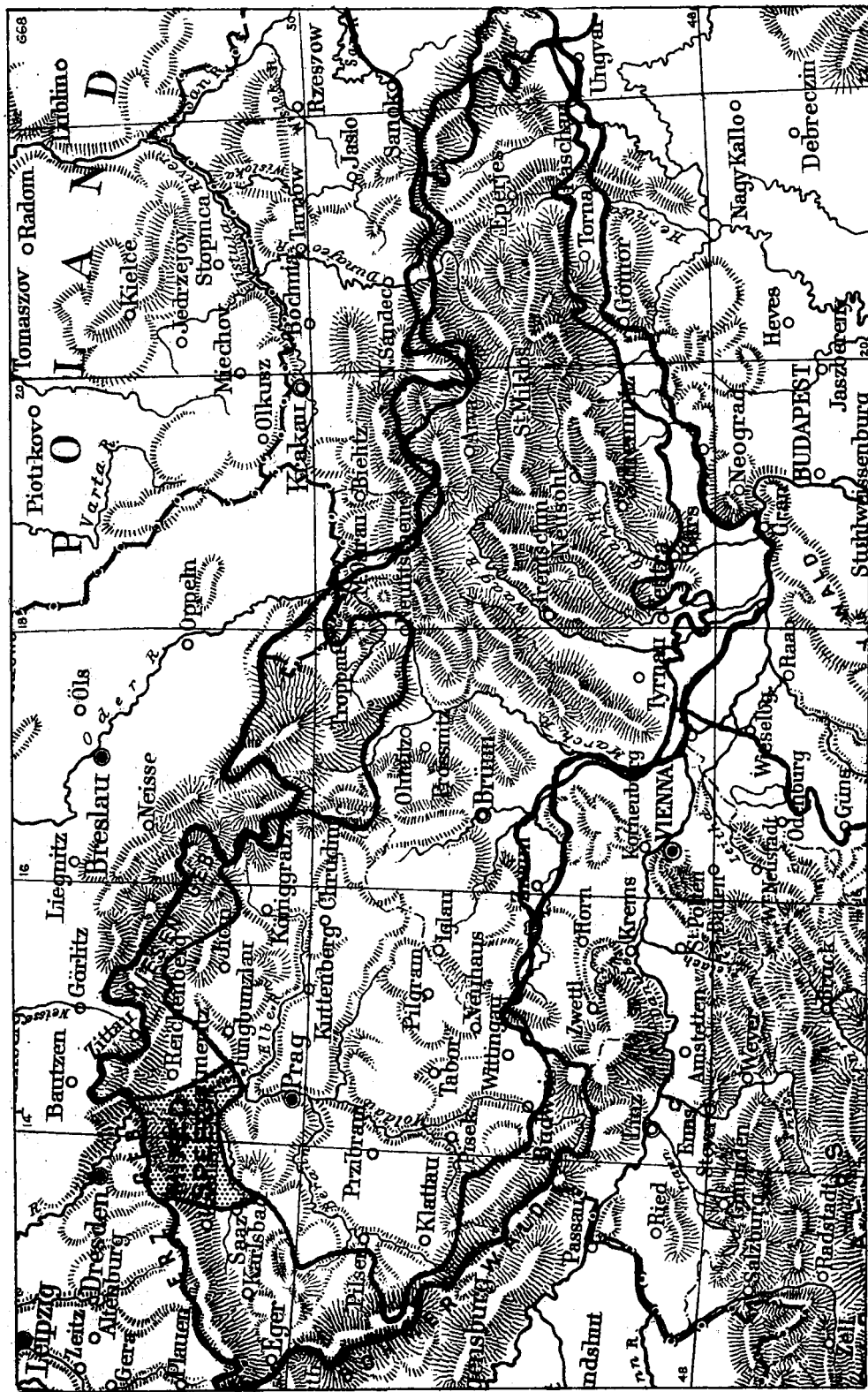
The southern border of the Czecho-Slovak state is 200 miles from Trieste and its northern boundary 250 miles from Hamburg. It constitutes the heart of Central Europe, and the need for an adequate outlet to the sea (in addition to the long loop of the Danube-Aegean route) is obvious. The form which the guarantee will take involves questions in economics and international law, and therefore is not discussed specifically in this report. For a statement of the principles involved see the economic section of this report, page 85.

No less imperative is it that the peoples in adjacent territories, who depend upon the through routes which cross Czecho-Slovakia, should be guaranteed adequate passage of men and goods for the purposes of commercial intercourse. The two matters should be studied together, in order that special privileges should not be granted to, or withheld from, Czecho-Slovakia, and tend to cause economic wars, and even military struggles.

CZECHO-SLOVAK BOUNDARIES

Inquiry 668

— Linguistic Boundary



*13. RUMANIA.

*35

It is recommended:

1) That the following additions be made to the Rumanian state, with boundaries as shown on map 9:

- a) The whole of Bessarabia;
- b) The ethnographically Rumanian part of Bukowina;
- c) All of Transylvania;
- d) The ethnic Rumanian zone in Hungary proper;
- e) About two-thirds of the Banat.

2) That in the case of the Dobrudja the Rumanian-Bulgarian frontier which existed before 1913 be restored, with slight rectifications.

DISCUSSION.

1-a) It is recommended that the whole of Bessarabia be added to the Rumanian state.

Bessarabia was once a part of Rumania (14th Century to 1812; 1856 to 1878), and is quite predominantly Rumanian in character. The idea of detaching the northern and southeastern corners (Khotin and Akkerman respectively) and giving them to the Ukraine is unwise, since it would break up an historic province and abandon a good natural frontier, the river Dniester, on account of relatively small Ukrainian colonies. *36

1-b) It is recommended that the ethnographical Rumanian part of Bukowina be added to the Rumanian state.

Bukowina is divided into two main ethnographic regions. It is composed chiefly of Ruthenian and Rumanian populations with a fairly well defined line of division, which is rather closely followed in maps 9 and 10. Its area is 10,000 square kilometers and its population numbers 800,000.

1-c) It is recommended that all of Transylvania be added to the Rumanian state.

The union of the Rumanians of Transylvania with the

Rumanian state is desirable in order that they should be freed from Hungary, by whom they have been harshly treated in the past, and in order that people of like sympathies and speech should be segregated within a common frontier.

If this recommendation is carried out provision should be made for the minority rights of the people in the Magyar (Szekler) area of eastern Transylvania.

1-d) It is recommended that the ethnic Rumanian zone in Hungary proper be added to the Rumanian state.

There should be united with Rumania contiguous masses of Rumanian peoples in eastern Hungary outside the borders of Transylvania. It is essential, however, that

*37 there be careful delimitation of the Rumanian-Hungarian frontier so as to do full justice to delicate questions of commercial outlets that affect dense groups of both Rumanian and Magyar populations. The western frontier of Rumania as shown on map 10 is so drawn in Hungary proper as to dislocate by the smallest amount the former commercial relations of the people.

1-e) It is recommended that about two-thirds of the Banat be added to the Rumanian state.

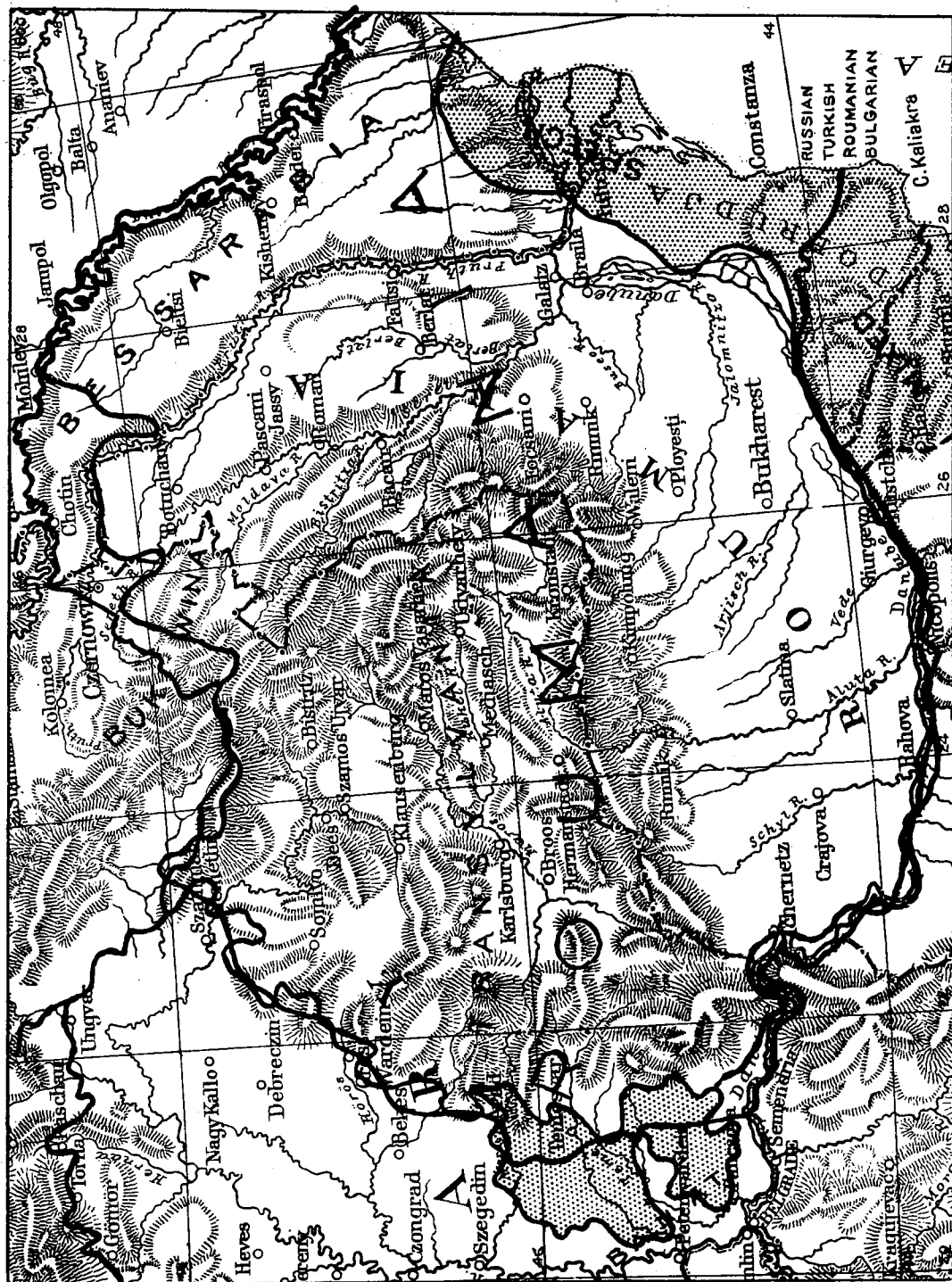
In the Banat there is an intermixture of Serbs, Rumanians, and Germans. Of the three counties composing the region two, Krasso and Temes, are chiefly Rumanian, while the third, Torontal, is predominantly Serb. It is recommended that the two former be assigned to Rumania, that the latter be assigned to Jugo-Slavia, and that the line of division follow the administrative boundaries, because the Hungarian counties are essentially historic entities, corresponding roughly to the Swiss cantons. The utilization of these long-established limits in the running of a new frontier would prevent local administrative confusion.

2) It is recommended that in the case of the Dobrudja the Rumanian-Bulgarian frontier which existed before 1913 be restored, with slight rectifications.

The Rumanian-Bulgarian frontier established by the



ROUNDMAN BOUNDARIES



Linguistic Boundary

treaty which closed the Second Balkan War took from Bulgaria a strip of territory almost exclusively Bulgarian in population, which numbered about 260,000. In the course of more than a generation the population on *either side of the boundary of 1878 had become *38 adjusted to it. It is now recommended that the old frontier be restored, with slight rectifications (see maps 9 and 10).

Moreover, to place the boundary farther south, to meet Rumania's desire for better harbor facilities, would violate the principle of self-determination and hurt Bulgaria far more seriously than it would help Rumania.

Rumania could not well object, in view of her very generous gains elsewhere.

*14. JUGO-SLAVIA.

*39

It is recommended:

1) That an independent federated Jugo-Slav state be established, to consist of Serbia, Montenegro, and the Serbo-Croat-Slovene territory within former Austria-Hungary.

2) That the boundaries of the new state within the former Austro-Hungarian Empire be drawn as on maps 11, 16 and 18, so as to coincide roughly with the language boundary except in two regions—the Banat of Temesvar and the Istria-Isonzo region.

3) That the Serbo-Rumanian, Serbo-Bulgarian, Serbo-Greek, and Serbo-Albanian boundaries fixed in 1913 be confirmed for Jugo-Slavia.

4) That the tentative suggestion be considered of uniting the "High Albanians" in Northern Albania with their own kin in western Serbia and southeastern Montenegro, and placing this homogeneous group of tribes as a self-governing unit under Jugo-Slavia as the mandatory of the League of Nations, with the explicit *right reserved to it of appeal to the League of Nations in *40 case of oppression; and of altering the former Serbian and Montenegrin boundaries, as fixed in 1913, according to map 18.

DISCUSSION.

1) It is recommended that an independent Jugo-Slav state be established, to consist of Serbia, Montenegro, and the Serbo-Croat-Slovene territory within former Austria-Hungary.

The political and linguistic affiliations of the peoples whom it is proposed to unite in a single state are so well known that a detailed argument is unnecessary. It is from every standpoint desirable that the proposed state should not be broken up into its individual fragments along the lines of minor distinctions, as between the Slovenes and the rest of Jugo-Slavia or between Montenegro and Serbia. It is our conclusion that the Adriatic interests of these peoples and the size and strength of their immediate neighbors make it desirable that strong efforts be made to amalgamate the political and economic interests of the group.

But the state should be a federation, with autonomous parts, to accommodate the religious, historic, and minor racial differences of the Serbs, Montenegrins, Croats and Slovenes.

2) It is recommended that the boundaries of the new state *41 within the former Austro-Hungarian *Empire be drawn as on maps 11, 16, and 18, so as to coincide roughly with the language boundary except in two regions—the Banat of Temesvar and the Istria-Isonzo region,

The boundary questions of Jugo-Slavia, within what was Austria-Hungary, are focussed in two regions—the Banat of Temesvar and the Istria-Isonzo region. In the Banat it is impossible to establish a practical frontier which approaches the linguistic frontier closely, because of the intermixture of Rumanians, Serbs and Germans. But the line as drawn on map 11 follows with reasonable fidelity the line of language division and at the same time corresponds fairly closely to the line of administrative division. It places two counties, Krasso and Temes, which are inhabited chiefly by Rumanians, in Rumania, and a third, Torontal, in Jugo-Slavia. The Hungarian counties are essentially historical entities, and for this reason local administration would be facilitated by following a recog-

nized administrative division. The boundary as drawn on the map leaves to the Rumanians uninterrupted railway communication between Temesvar and the Danube.

By giving Torontal to the Jugo-Slavs they would have added to their domain a region noted for its surplus of cereals, a highly important matter since in the main Jugo-Slavia would be marked by a deficiency of cereals.

The Jugo-Slav boundary in the Istria-Isonzo region is the subject of hot dispute because both the Jugo-Slavs and the Italians are eager for the possession of the eastern Adriatic littoral and its ports. The commercial and strategic advantages accruing to the possessor are obvious.

*The proposed boundary coincides in general *42 with the main watershed of the Carnic and Julian Alps, and follows the crest of the high ridges forming the backbone of the Istrian peninsula. It gives to Italy all of that portion of the Isonzo basin and of the eastern Adriatic coast to which she has any valid claim, together with as much of the hinterland, peopled by Slavs, as is vitally needed on economic grounds. It gives to the Jugo-Slavs part of the Istrian coast and all of the Dalmatian coast and archipelago claimed by Italy, with a fine series of harbors from Fiume southward.

The proposed division would add 6,680 square kilometers to Italy and a population of 715,000, consisting of 345,000 Italians and 370,000 Jugo-Slavs. In Jugo-Slav territory there would be left 75,000 Italians, a very small number as compared with the number of Jugo-Slavs in Italy. The Jugo-Slavs would be left in undisturbed possession of a stretch of coast upon which their hopes have centered for years, and where the Italian claim to majorities is unsubstantiated, except in the case of several of the coast towns, such as Fiume and Zara—there is a small Italian majority in Fiume proper, but a small Croat majority if the suburb of Susak, in fact a part of Fiume, be added.

The retention of Fiume by Jugo-Slavia is vital to the interests of the latter, and likewise assures to the more remote hinterland, including Austria and Hungary, the advantages of two competing ports under the control of different nations.

Italy is accorded on the east as much natural protection as can be permitted without giving undue weight to strategic considerations. As defined the line affords reasonable pro-

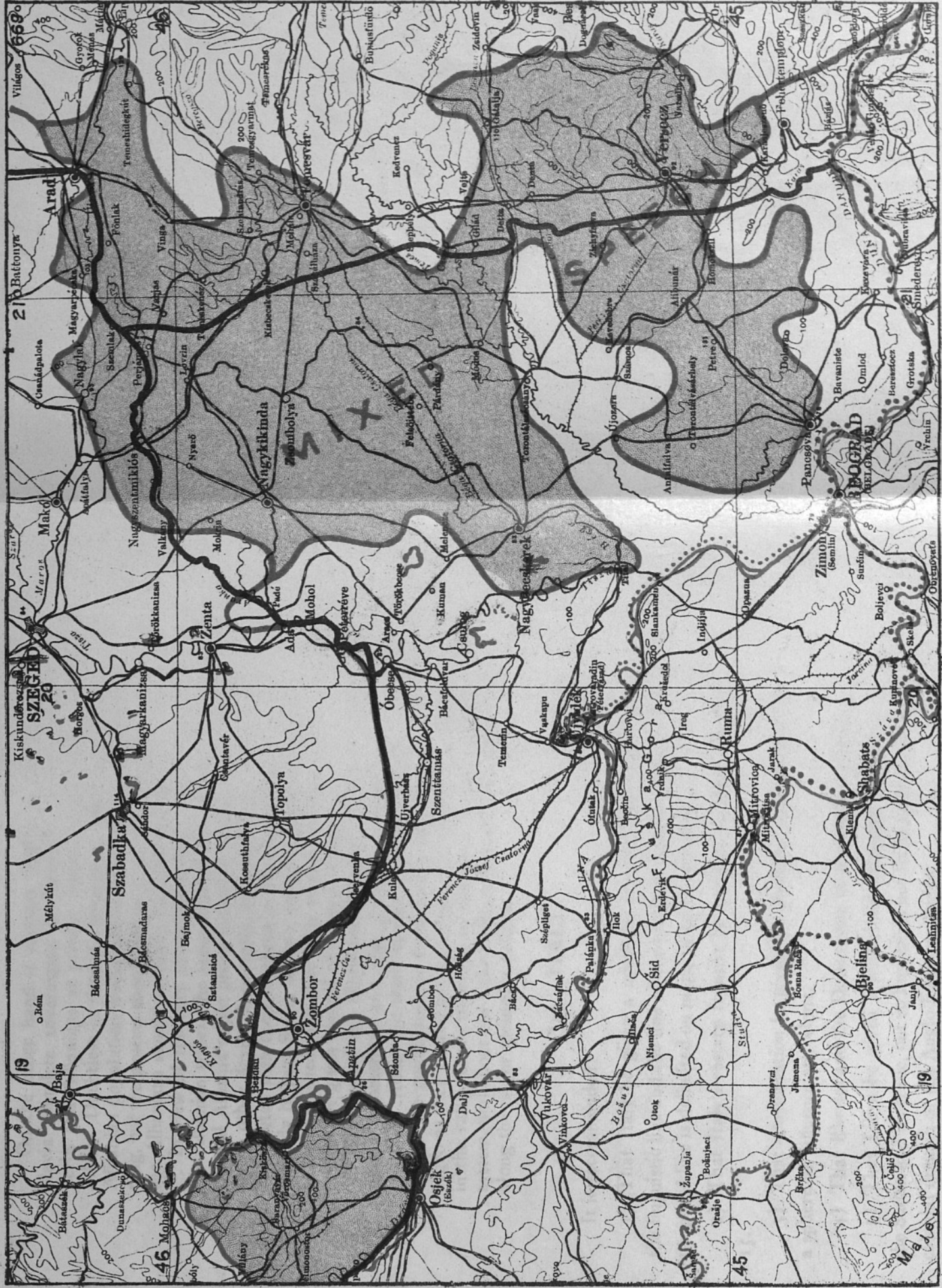
*43 tection for Trieste and Pola and their connecting railway, and in fact would leave the Jugo-Slavs in *a position of military inferiority if they did not have a protective mountainous terrain and one of the best coasts in the world for defensive naval operations. For almost its entire length the boundary follows watersheds on high and sparsely settled plateaus. It is not without at least remote historical basis, since it follows the frontier between Italy and the Provinces as it existed for several centuries during the Roman period.

3) It is recommended that the Serbo-Rumanian, Serbo-Bulgarian, Serbo-Greek, and Serbo-Albanian boundaries fixed in 1913 be confirmed for Jugo-Slavia.

There is no sufficient justification, and there would be less wisdom, in disturbing the Serbo-Rumanian, Serbo-Bulgarian, or the Serbo-Greek frontiers established in 1913. To do so would precipitate acrimonious and unmanageable difficulties, especially in Macedonia. The same is probably true of all but a minute, extreme northern part of the Serbo-Albanian boundary, although, as we elsewhere point out, when Albania is approached doubt enters and lingers.

4) It is recommended that the tentative suggestion be considered of uniting the "High Albanians" of Northern Albania with their own kin in western Serbia and southeastern Montenegro, and placing this homogeneous group of tribes as a self-governing unit under Jugo-Slavia as a mandatory of the League of Nations, with *44 the explicit *right reserved to it of appeal to the League of Nations in case of oppression; and of altering the former Serbian and Montenegrin boundaries, as fixed in 1913, according to map 18.

This would open to the Albanian mountaineers the markets, the grain fields, and the winter pastures on which they have relied in the past; it would give to Jugo-Slavia the use of the waterways and harbor which form the maritime outlet for the basin of Lake Scutari. The Albanians involved would be insured a recognized status bordering on independence and an opportunity to be heard in case of oppression.



On the other hand it appears unwise to grant Jugo-Slavia complete sovereignty in Northern Albania, since Serbs and Albanians at present dislike and distrust each other. Doubtless in time the process of absorption of the Albanian population would follow the course it is now running, but the process should not be violently stimulated, and the Albanians should certainly be protected against abuse.

In view of the very primitive societal organization of the Albanian tribes, the separation of the Northern from Central Albania might prove harmless, and even beneficial. By no other device, apparently, can the "High Albanians" be reunited with their brethren in Montenegro and Serbia, for only if Jugo-Slavia is their assigned protector can this be accomplished, and that state cannot, at least cannot at present, be given control of Central Albania.

The area of the Northern Albanian district is 9,800 square kilometers, and the population numbers 275,000. About one-third of this area *and nearly *45 half of the population are from Serbia and Montenegro as they existed before 1914. The people live mostly in the valley floors tributary to the Lake Scutari drainage system, and about the Lake itself, with bands of population along the major mountain valleys.

*15. ITALY.

*46

It is recommended:

1) That Italy be given a northern frontier midway between the linguistic line and the line of the treaty of London, 1915. The proposed line is delimited on maps 12 to 15 inclusive.

2) That Italy's eastern frontier be rectified as shown on map 15.

3) That consideration be given the doubtful claim of Italy to a sphere of influence at Avlona.

4) That Rhodes and the Dodecanese be assigned to Greece.

5) That Libya be given a hinterland adequate for access to the Sudan and its trade, but so limited as not to hamper the French colonial domain or the Anglo-Egyptian Sudan.

DISCUSSION.

- 1) It is recommended that Italy be given a northern frontier
 *47 midway between the linguistic *line and the line of the treaty of London, 1915. The proposed line is delimited on maps 12 to 15 inclusive.

This recommendation would give Italy all that part of the Tyrol to which she has any just claim on linguistic, cultural or historical grounds. It would leave no rational basis for future irredentist agitation in this direction. It transfers to Italy over 10,000 square kilometers of territory and a population consisting of 373,000 Italians and Ladins, 161,000 Germans and 3,000 others.

The recommended line does not meet those claims of Italy which are based on strategic grounds alone, for the line of 1915, following as it does the main watershed, gives incomparably the best strategic frontier. On the other hand, the proposed line does ameliorate the intentionally bad frontier imposed upon Italy by Austria, and some such amelioration seems essential if the Italians are to enter a League of Nations with confidence in its ability to render their peaceful existence reasonably sure. The weight of this argument would be augmented if Italy were confronted by a united and potentially powerful German state on the north. The task of the League of Nations will be rendered easier and its success made more certain by the adjustment of Italy's northern frontier at least in part along lines which would discourage armed aggression by a powerful German state.

As laid down upon the map the proposed boundary is a good line from the geographical standpoint, since it follows natural lines of demarcation and coincides with the marked topographical barrier between regions climatically dissimilar. Its position is easily recognizable on the ground, it is capable of clear and accurate delimitation, and is not subject to change from natural causes. Since throughout its entire length it traverses regions of little or no population it does not interfere with the activities of the
 *48 local popu*lation, and the small number of practicable passes makes the administration of customs and other frontier regulations simple.

Finally, it is so drawn as to throw into Austria about

71,000 Germans, with a minority of 10,000 Italians and Ladins, forming properly a part of the Austrian realm. Were the line of 1915 to be followed (red line on map 13), it would simply throw the irredentist problem into Austrian territory and would not lead to a lasting peace.

2) It is recommended that Italy's eastern frontier be rectified as shown on map 15.

The Jugo-Slav boundary in the Istria-Isonzo region is the subject of hot dispute because both the Jugo-Slavs and the Italians are eager for the possession of the eastern Adriatic littoral and its ports. The commercial and strategic advantages accruing to the possessor are obvious.

The proposed boundary coincides in general with the main watershed of the Carnic and Julian Alps, and follows the crest of the high ridge forming the backbone of the Istrian peninsula. It gives to Italy all that portion of the Isonzo basin and of the eastern Adriatic to which she has any valid claim, together with as much of the hinterland, peopled by Slavs, as is vitally needed on economic grounds. It gives to the Jugo-Slavs part of the Istrian coast and all of the Dalmatian coast and archipelago claimed by Italy, with a fine series of harbors from Fiume southward.

The proposed division would add 6,680 square kilometers to Italy and a population of 715,000 consisting of 345,000 Italians and 370,000 Jugo-Slavs. *49 In Jugo-Slav territory there would be left 75,000 Italians, a very small number as compared with the number of Jugo-Slavs in Italy. The Jugo-Slavs would be left in undisturbed possession of a stretch of coast upon which their hopes have centered for years, and where the Italian claim to majorities is unsubstantiated, except in the case of several of the coast towns, such as Fiume and Zara—there is a small Italian majority in Fiume proper, but a small Croat majority if the suburb of Susak, in fact a part of Fiume, be added.

The retention of Fiume by Jugo-Slavia is vital to the interests of the latter, and likewise assures to the more remote hinterland, including Austria and Hungary, the advantages of two competing ports under the control of different nations.

Italy is accorded on the east as much natural protection

as can be permitted without giving undue weight to strategic considerations. As defined the line affords reasonable protection for Trieste and Pola and their connecting railway, and in fact would leave the Jugo-Slavs in a position of military inferiority if they did not have a protective mountainous terrain and one of the best coasts in the world for defensive naval operations. For almost its entire length the boundary follows watersheds on high and sparsely settled plateaus. It is not without at least remote historical basis, since it follows the frontier between Italy and the Provinces as it existed for several centuries during the Roman period.

- 3) It is recommended that consideration be given to the doubtful claim of Italy to a sphere of influence at Avlona.

Probably Italy must be left in Avlona and its immediately adjacent territory, not however, as the final possessor of the region, but as a mandatory of the League of Nations. In this manner any alleged propagandist movements may be reviewed and restrictions imposed in harmony with the spirit of the time in which they arise. Otherwise there will be left in both the northern and southern ends of Jugo-Slavia regions of conflict between two neighboring peoples, the Jugo-Slavs and the Italians, from which there could result only continued discord and possible war.

- 4) It is recommended that Rhodes and the Dodecanese be assigned to Greece.

Over 80% of the population of Rhodes and the Dodecanese are Greek Orthodox. They are bitterly opposed to the present Italian occupation, and should be assigned to the mother country.

- 5) It is recommended that Libya be given a hinterland adequate for access to the Sudan and its trade, but so limited as not to hamper the French colonial domain or the Anglo-Egyptian Sudan.

The need for such a hinterland is evident, and with the limitations mentioned it is fair to satisfy this need. The proposed action would no doubt be agreeable to France and Great Britain.

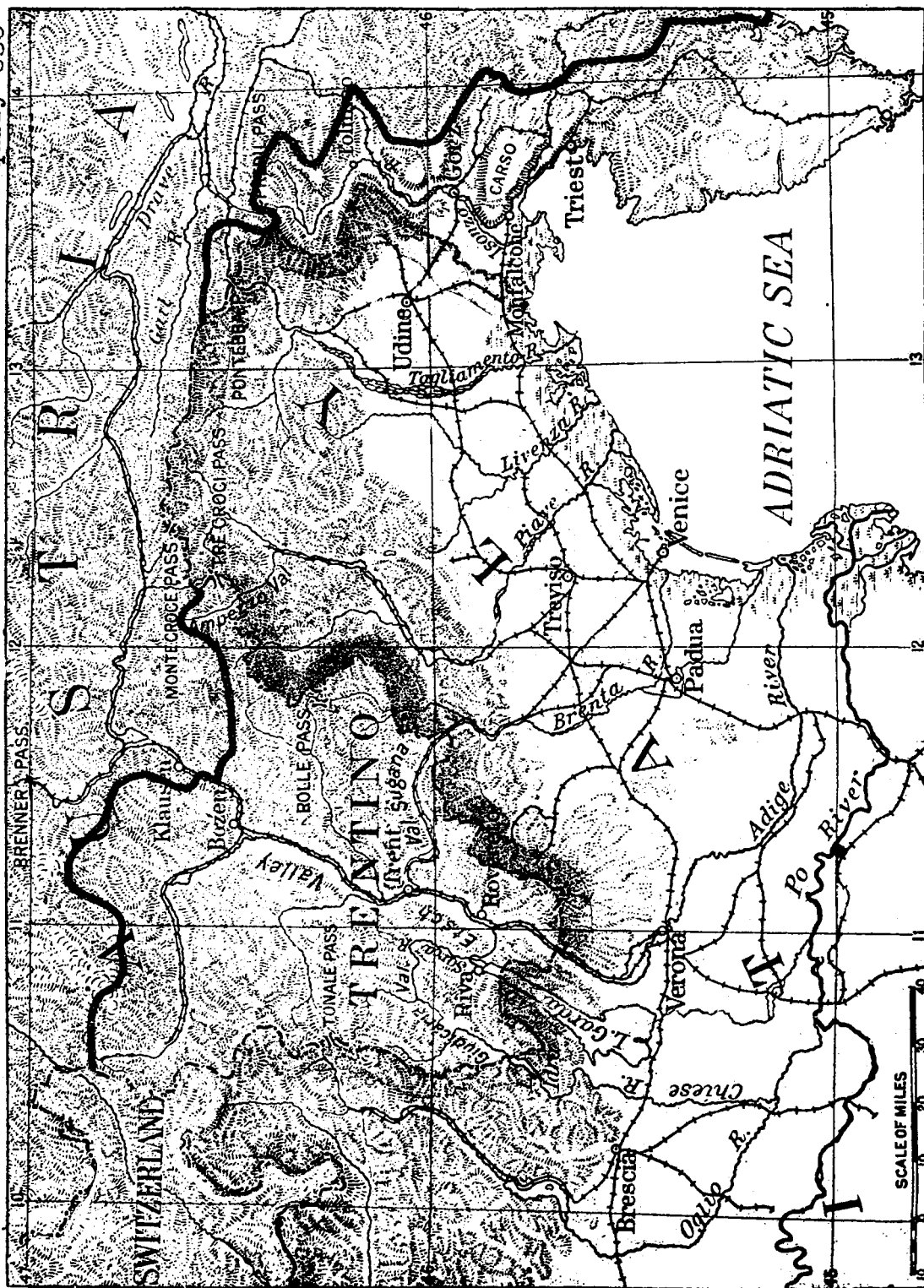


Plate I. New frontiers recommended in this report are shown by heavy black lines

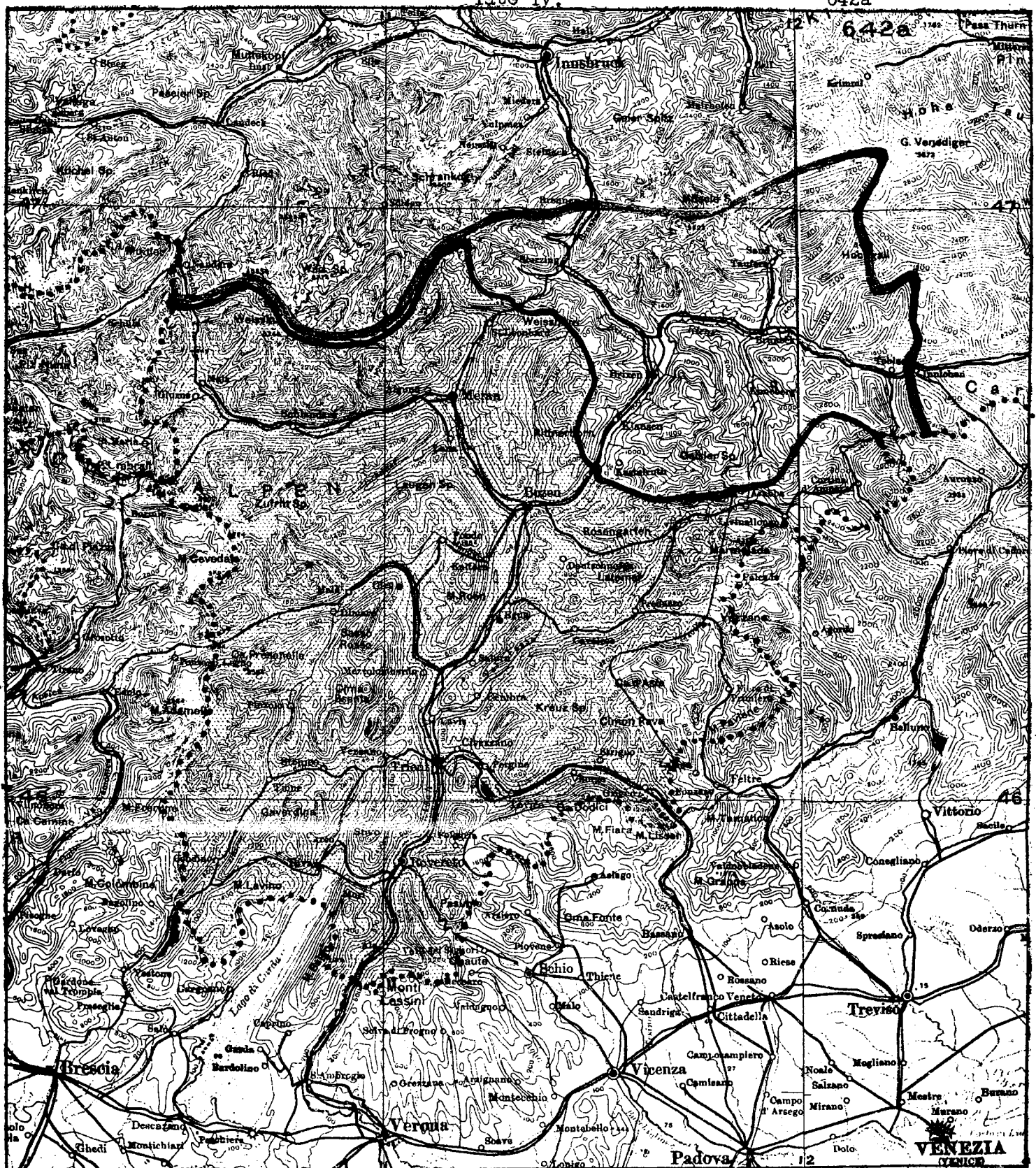


Plate IV. Map showing coincidence of proposed new frontier with northern limit of the Adige geographic basin (shaded blue). While the upper Eisack basin drains into the Adige through a long, narrow gorge below Klausen, the upper basin is in reality more open toward the German areas north and east.

- Divide between Adige system of connecting trenches on the south, and the Inn and Drave systems on the north; also the proposed new frontier.
- Hydrographic divide, the 1915 Treaty of London line, and the best strategic frontier.
- Present Austro-Italian frontier.



Note how present Austro-Italian frontier breaches entire system of parallel east-west valley trenches (shaded green) and intervening mountain barriers (unshaded), and controls the north-south connecting trench.

- Recommended new frontier. - - - Present Austro-Italian frontier.
 - - - 1915 Treaty of London line, (the best strategic frontier
 - - - Linguistic line, separating areas of Latin and Teutonic speech.



*16. GERMAN AUSTRIA.

*51

It is recommended:

- 1) That German Austria if established as an independent state be given boundaries as shown on map 16.
- 2) That Austria's frontier in the Tyrol be rectified to put Italy in a position of less disadvantage than formerly.
- 3) That the German Austrians receive the assurance of an outlet for their trade, either at Trieste or Fiume, or both.

DISCUSSION.

- 1) It is recommended that German Austria if established as an independent state be given boundaries as shown on map 16.

The frontiers of the future state of Austria, if Austria chooses the path of independence, are drawn on the map so as to correspond roughly to the central block of Germans living in the crownlands of Upper and Lower Austria, Salzburg, Carinthia, the Vorarlberg, German Tyrol, and Styria.

Except upon the Italian and Jugo-Slav frontier the historic boundaries separating German Austria from Bavaria, Bohemia, Moravia, and Hungary have been preserved. These historic boundaries leave about 2,500,000 Germans in western Hungary, but the adjustment of the frontier to include them would result in a disturbance of long-established institutions, and until it becomes clear that it is sincerely desired by the people in question it seems unwise to include them.

A similar block of 250,000 Germans is left in Bohemia and Moravia to form part of the state of Czecho-Slovakia. But the people seem rather to prefer union with the new Czecho-Slovak state, though their sentiments have not yet been clearly enough expressed to form the basis of a positive conclusion. It should likewise be noted once more that there is everywhere a decided disadvantage in disturbing such historic entities as Bohemia and Moravia.

Along the Jugo-Slav frontier the proposed boundary departs from the language line only so far as is necessary to avoid derangements of economic relations.

- 2) That Austria's frontier in the Tyrol be rectified to put Italy in a position of less disadvantage than formerly (see map 14).

This recommendation would give Italy all that part of the Tyrol to which she has any just claim on linguistic, cultural, or historical grounds. It would leave no rational basis for future irredentist agitation in this direction. It transfers to Italy over 10,000 square kilometers of territory and a population consisting of 373,000 Italians and Ladins, 161,000 Germans, and 3,000 others.

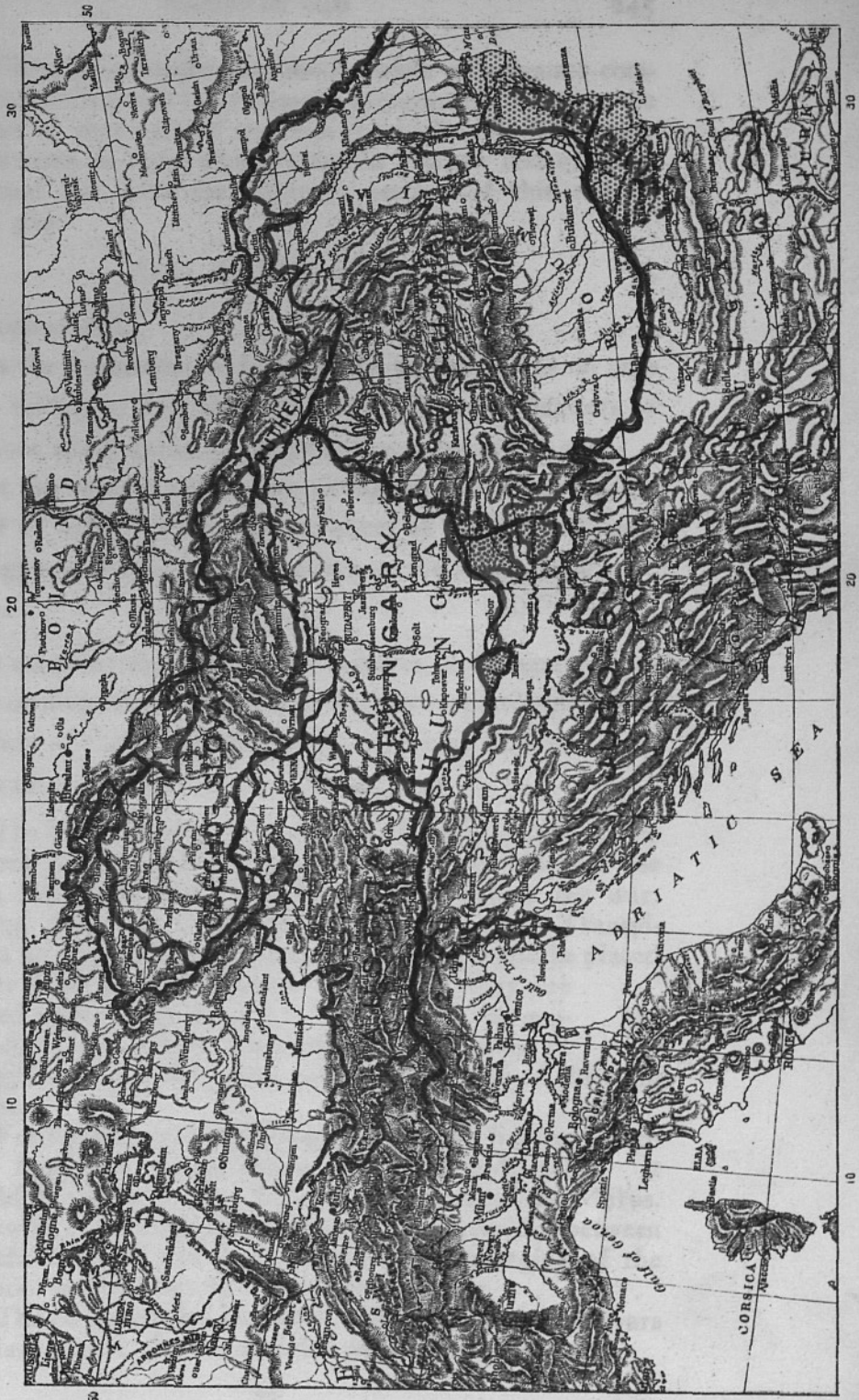
The recommended line does not meet those claims of Italy which are based on strategic grounds alone, for *52a the line of 1915, following as it does the main watershed, gives incomparably the best strategic frontier. On the other hand, the proposed line does ameliorate the intentionally bad frontier imposed upon Italy by Austria, and some such amelioration seems essential if the Italians are to enter a League of Nations with confidence in its ability to render their peaceful existence reasonably sure. The weight of this argument would be augmented if Italy were confronted by a united and potentially powerful German state on the north. The task of the League of Nations will be rendered easier and its success made more certain by the adjustment of Italy's northern frontier at least in part along lines which would discourage armed aggression by a powerful German state.

As laid down upon the map the proposed boundary is a good line from the geographical standpoint, since it follows natural lines of demarcation and coincides with the marked topographical barrier between regions climatically dissimilar. Its position is easily recognizable on the ground, it is capable of clear and accurate delimitation, and is not subject to change from natural causes. Since throughout its entire length it traverses regions of little or no population it does not interfere with the activities of the local population, and the small number of practicable passes makes the administration of customs and other frontier regulations simple.

Finally, it is so drawn as to throw into Austria about 71,000 Germans, with a minority of 10,000 Italians and Ladins, forming properly a part of the Austrian realm. Were the line of 1915 to be followed (red line on map 13), it would simply throw the irredentist problem into Austrian territory and would not lead to a lasting peace.

*53 *3) It is recommended that the German Austrians receive the assurance of an outlet for their trade, either at Trieste or Fiume, or both.

RUSSIAN
TURKISH
ROUMANIA
BULGARIA



German and Slovene Speech
2 in changing proportions

Linguistic Boundary

There is no doubt that the principle of adequate commercial outlets will be universally recognized. It forms the subject of that part of this report which deals with trade agreements as those should stand in the new text of international law (see the economic section of this report, page 90).

*17. HUNGARY.

*54

It is recommended:

- 1) That the boundaries of Hungary be established as on map 16, so as to release to their respective nationals those elements of the populations which desire to be freed from Hungarian rule.
- 2) That the citizens of the new Hungarian state receive the assurance of an outlet for their trade, either at Trieste or Fiume, as well as rights of unrestricted commerce on the lower Danube.

DISCUSSION.

- 1) It is recommended that the boundaries of Hungary be established as on map 16, so as to release to their respective nationals those elements of the populations which desire to be freed from Hungarian rule.

The boundaries of the proposed Hungary do not follow historic lines, and the new state would have but half the area and population that Hungary had before the war. Except along the Czecho-Slovak frontier and in Transylvania no large compact masses of Magyars would be placed under alien political control. Wherever they are placed under other flags it is *because of the geographical separation from the central mass of Magyars or to satisfy vital economic needs of neighboring states. *55

Further reduction of Hungary along the lines of Czech and Rumanian claims seems eminently undesirable. It would be unwise to give Rumania the mouth of the Maros. Likewise undesirable is the existence of a corridor between Czecho-Slovakia and Jugo-Slavia, since the region of the corridor is preeminently Magyar in character.

The recommended boundary still leaves to the Magyars the larger part of the coal fields of northern Hungary.

2) It is recommended that the citizens of the new Hungarian state receive the assurance of an outlet for their trade, either at Trieste or Fiume, as well as rights of unrestricted commerce on the lower Danube.

For a discussion of the principle of adequate commercial outlets, see the economic section of this report, page 85. It may be mentioned specifically, however, that the Danube in Hungary (and its navigable course generally) should be placed under international control, and the through railways of Hungary subjected to a supervision similar to that imposed on Czecho-Slovakia's through railways, in order to insure fair transit and unrestricted outlets for interior regions.

*18. ALBANIA.

*56

The Albanian region presents problems so complicated in detail, and the proposed settlements are so experimental in form, and so many interests are involved, both near and remote, that definite recommendations are felt to be unsafe at this time. We merely present the following considerations as of possible aid to the plenipotentiaries:

The boundary of the proposed state of Albania as drawn in 1913 was highly artificial, cutting not only lines of economic intercourse and national affiliations, but even tribal ties, the strongest bond in a society based on kinship.

In fact, the project of a united Albania appears impracticable. The weakness of national feeling among the people, the disruptive forces which spring from backward political institutions, the difficulties of communication, the intrigues of neighboring states—all these are obstacles which can be faced only under the protection of a great Power like England or the United States, and then only by a Power sufficiently imbued with the missionary spirit to be willing to spend its efforts unselfishly. Such a course is no doubt out of the question.

Therefore we suggest that, in Northern Albania, a compact group of Albanians might be *segregated, *57 united with their own kin in southeastern Montenegro and western Serbia, and placed under the supervision of Jugo-Slavia (see map 17) as the mandatory of the League of Nations, but with the explicit right of appeal to the League in case of oppression.

This would open to the Albanian mountaineers the markets, the grain fields, and the winter pastures on which they have relied in the past; it would give to Jugo-Slavia the use of the waterways and harbor which form the maritime outlet for the basin of Lake Scutari. The Albanians involved would be insured a recognized status bordering on independence and an opportunity to be heard in case of oppression.

On the other hand it appears unwise to grant Jugo-Slavia complete sovereignty in Northern Albania, since

Serbs and Albanians at present dislike and distrust each other. Doubtless in time the process of absorption of the Albanian population would follow the course it is now running, but the process should not be violently stimulated, and the Albanians should certainly be protected against abuse.

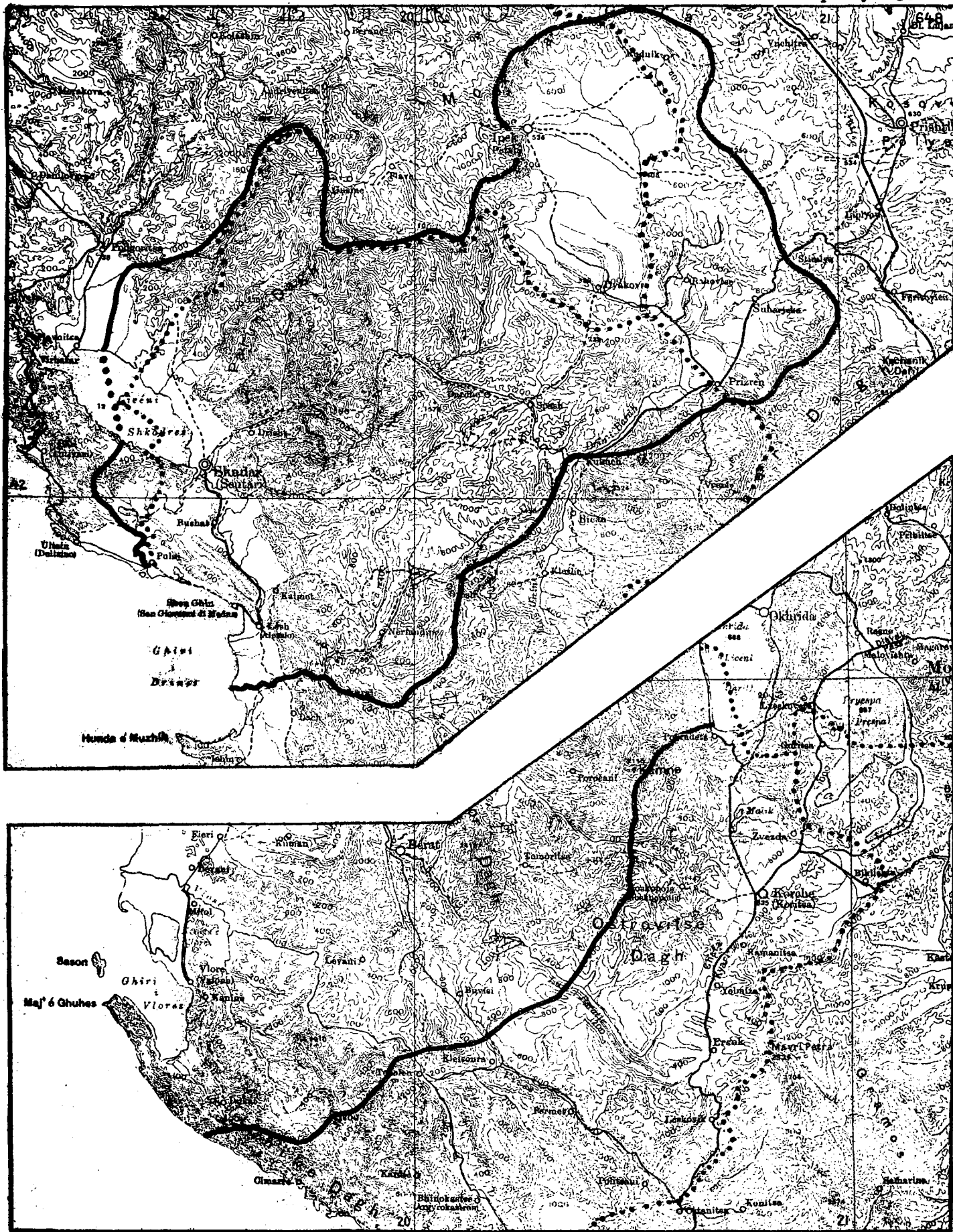
In view of the very primitive societal organization of the Albanian tribes, the separation of Northern from Central Albania might prove harmless, and even beneficial. By no other device, apparently, can the "High Albanians" be reunited with their brethren in Montenegro and Serbia, for only if Jugo-Slavia is their assigned protector can this be accomplished, and that state cannot, at least cannot at present, be given control of Central Albania.

The area of the Northern Albanian district is 9,800 square kilometers, and the population numbers 275,000. About one-third of this area and nearly half of the population are from Serbia and Montenegro as they existed before 1914. The people live mostly in the valley floors tributary to the Lake Scutari drainage system, and about the lake itself, with bands of population along the major mountain valleys.

The central block of Albanian territory presents a most difficult problem. It should probably be granted nominal independence under some disinterested Power as mandatory of the League of Nations. Italy would be the natural mandatory for many reasons. But it is precisely because of the outside interference of interested Powers that there have been such unhappy developments in Balkan affairs in the past, and Italy therefore seems to be excluded because of the sharp feeling against her in both Greece and Jugo-Slavia.

Probably Italy must be left in Avlona and its immediately adjacent territory, not, however, as the final possessor of the region, but as a mandatory of the League of Nations. In this manner any alleged propagandist movements may be reviewed and restrictions imposed in harmony with the spirit of the time in which they arise. Otherwise there will be left in both the northern and southern ends of Jugo-Slavia regions of conflict between two neighboring peoples, the Jugo-Slavs and the Italians, from which there could result only continued discord and possible war.

Inquiry 648



*19. GREECE.

*59

It is recommended:

- 1) That the frontiers of Greece in the north and the northeast shall remain as they were in 1914 and as established at the close of the Second Balkan War.
- 2) That on the northwest the frontier of Greece be established as shown on map 18.
- 3) That Rhodes and the Dodecanese be assigned to Greece.

DISCUSSION.

- 1) It is recommended that the frontiers of Greece in the north and the northeast shall remain as they were in 1914, and as established at the close of the Second Balkan War.

No change is recommended in the northern frontier of Greece. The claims of the Greeks to the territory along the whole northern coast of the Aegean appear inadmissible because they would block Bulgaria from direct access to the Aegean for the sake of a shallow fringe of Greeks along the shore.

In accepting the present boundaries a settlement of the Macedonian question on the lines *laid down *60 in 1913 is recommended. It is believed that the population of central Macedonia, which is mixed and still unsettled in nationality, will adapt itself to the rule of Jugo-Slavia; and that that Power will be contented with its ports on the upper Adriatic and will resign its former ambition to hold Saloniki.

- 2) It is recommended that on the northwest the frontier of Greece be established as shown on map 18.

The extension of the Greek frontier into Southern Albania is based upon ethnic considerations. About Koritsa there is a strong native Moslem (Albanian) element, but exclusion of this portion would be economically injurious, and would block the Greeks from the only good road unit-

ing the northern territories and running from Kastoria to Jannina.

Only on the basis of a united Albania (which we do not recommend) should southern Albania be withheld from Greece. Southern Albania's strong Hellenic inclinations and culture, and the success with which Greece has in the past assimilated Albanian elements, indicate that this territory should be ceded to Greece with full sovereignty.

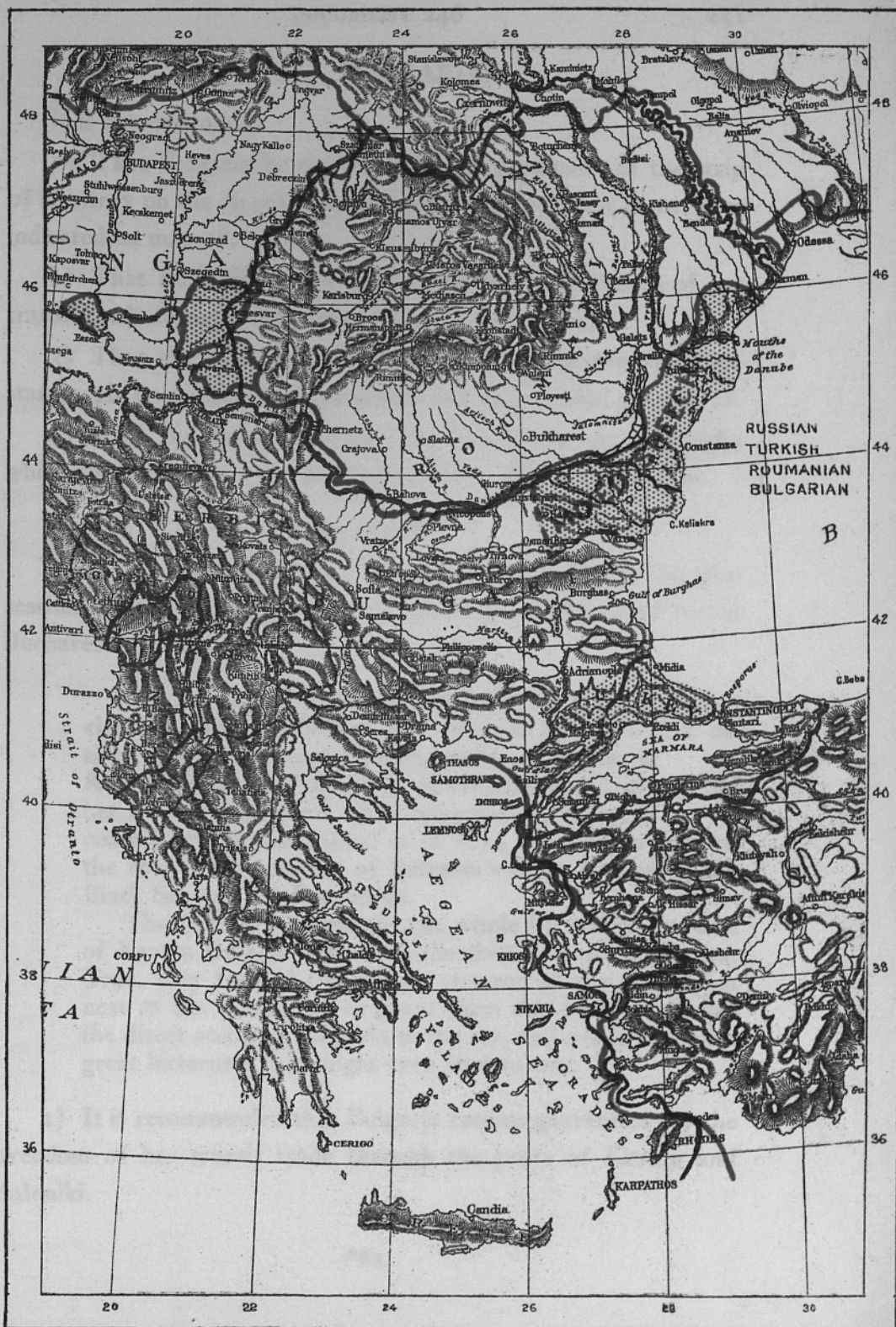
The area in question is estimated to include 2,400 square miles and about 250,000 inhabitants, of whom approximately one-half are Christians.

3) It is recommended that Rhodes and the Dodecanese be assigned to Greece.

Over 80% of the population of Rhodes and the Dodecanese are Greek Orthodox. They are bitterly opposed to the present Italian occupation, and should be assigned to the mother country.

THE BALKANS

Inquiry 655



—— Linguistic Bounary

*20. BULGARIA.

*61

It is recommended:

- 1) That Bulgaria be confirmed in her possession of the strip of territory on the Aegean allotted to her at Bucharest in 1913, as indicated on map 18.
- 2) That Bulgaria receive guarantees for the freedom of her transit trade through the ports of Kavala and Saloniki.
- 3) That the Adrianople frontier be extended towards Constantinople on a modified Enos-Midia line as indicated on map 18.
- 4) That the Rumanian-Bulgarian frontier in the Dobrudja which existed before 1913 be restored, with slight rectifications.

DISCUSSION.

- 1) It is recommended that Bulgaria be confirmed in her possession of the strip of territory on the Aegean allotted to her at Bucharest in 1913.

The coastal belt assigned to Bulgaria by the treaty which closed the Second Balkan War is much less than that desired by Bulgaria, and deprives her of the harbor of Kavala which she *claims as an essential outlet for *62 her western commerce. It is recommended that the coastal belt be maintained as in 1914 in order to prevent the roundabout routing of Bulgaria's trade by way of the Black Sea and the Bosphorus.

The Greeks lay claim to the whole littoral to the east of Kavala through Thrace to the shores of the Black Sea. True, they formed the largest element of the population next to the Turks, but to grant them this strip would bar the direct access of Bulgaria to the sea, and would engender great bitterness that might even lead to war.

- 2) It is recommended that Bulgaria receive guarantees for the freedom of her transit trade through the ports of Kavala and Saloniki.

Map 18 shows the main topographic outlines of western Bulgaria and the extent to which that region, which includes the capital and the densest population, depends upon direct access to the Aegean through the Greek ports of Kavala and Saloniki.

The Bulgarian harbor of Dedeagatch at the mouth of the Maritza river is too remote from the region to serve as an outlet, and its facilities are far inferior to those of the Greek ports.

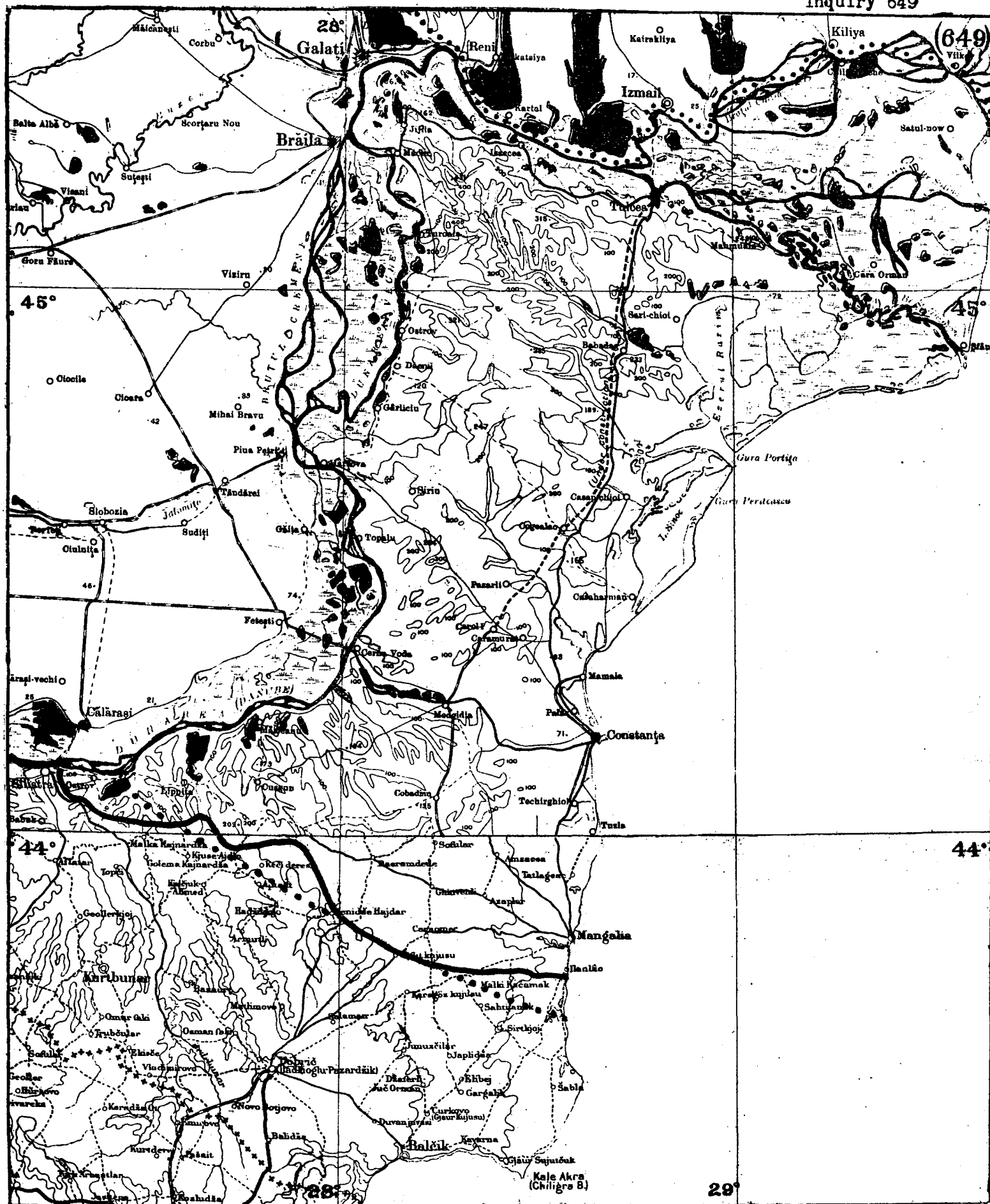
It is almost as essential to Bulgaria to have freedom of access to these ports as if she were a landlocked state; and such access should be protected by guarantees established by the League of Nations and in conformity with the principle of unrestricted commercial intercourse as described on page 90 of the economic section of this report.

*63 *3) It is recommended that the Adrianople frontier be extended towards Constantinople on a modified Enos-Midia line as indicated on map 18.

The extension of the Bulgarian territory on a modified Enos-Midia line is based less on Bulgaria's claim to the additional territory than on the desire to set the boundaries of the internationalized state in the Constantinople region within limits as narrow as possible; this because it is undesirable to extend that territory beyond the point needed for the safeguarding of the milk, vegetable and water supply of the city of Constantinople. Expansion beyond that point would involve new problems that would inevitably embarrass the administration of the new state.

There is also the point that Bulgaria dealt the Turk a master-blow in the capture of Adrianople in the First Balkan War, lost the flower of her manhood in the attempt to drive the Turk from Europe, and would probably forget the wrongs done her by the treaty which closed the Second Balkan War and which drove her into the arms of the Central Empires, if a gain in this direction could now be accomplished.

4) It is recommended that the Rumanian-Bulgarian frontier in the Dobrudja which existed before 1913 be restored, with slight rectifications.



The Rumanian-Bulgarian frontier established by the treaty which closed the Second Balkan War took from Bulgaria a strip of territory almost exclusively Turkish and Bulgarian in population, which numbered about 260,000 (Turks 122,000, Bulgars 112,000, Tatars 10,000, Rumanians 7,000). In the course of more than a generation the population on either side of the *boundary of 1878 had become adjusted to it. It is now recommended that the old frontier be restored, with slight rectifications (see map 18a).

Moreover, to place the boundary farther south, to meet Rumania's desire for better harbor facilities, would violate the principle of self-determination and hurt Bulgaria far more seriously than it would help Rumania.

Rumania could not well object, in view of her very generous gains elsewhere.

***65 *21. CONSTANTINOPLE AND THE STRAITS.**

It is recommended:

1) That there be established in the Constantinople region an internationalized state.

2) That the new state be given such a governmental organization by the appointment of a power as a mandatory of the League of Nations or otherwise, as may seem most expedient to the peace conference.

3) That the boundaries of the proposed state:

- a) Include the entire littoral of the Straits and of the Sea of Marmora;
- b) On the European side follow the general direction of the Enos-Midia line, adapted to the physical and economic features of the country;
- c) On the Asiatic side follow in part the line of the Sakaria river, include within the new state the towns of Brussa and Panderma, and emerge on the Aegean at a point north of Ineh, as shown on map 19.

4) That the Bosphorus, Sea of Marmora, and Dardanelles be permanently opened as a free passageway to the ships and commerce of all nations, under international guarantees.

***66**

***DISCUSSION.**

1) It is recommended that there be established in the Constantinople region an internationalized state.

An internationalized state will, it is thought, be most likely to do impartial justice to the various interests of the many states concerned in the commerce that will pass the Straits, and to diminish the keen historic jealousies that have obstructed the flow of trade. We understand that such a proposal is generally accepted.

2) It is recommended that the new state be given such a governmental organization by the appointment of a Power as a manda-

tory of the League of Nations or otherwise, as may seem most expedient to the peace conference.

The state about Constantinople is instituted for special purposes and in order to serve the needs and interests, often conflicting, of many nations, strong and weak, varying greatly in location and necessities.

This state should bear a special relation to the nations which are to associate themselves in a world League, and it should be made the business of some organ of such a League to see that the purposes for which the state is instituted are fulfilled.

Whether this can best be accomplished by the selection of a governor or of a single power to *act as the mandatory of the League, or otherwise, can be better determined after the main features of the League have been decided upon, and in accordance with the greater experience of that time. *67

3a) It is recommended that the boundaries of the proposed state include the entire littoral of the Straits and of the Sea of Marmora.

We are informed by the technical advisors in international law that the assignment of any portion of the littoral of the Sea of Marmora or of the Straits to an independent sovereign power would result in many embarrassments, raising questions of commerce, of territorial waters, of possible naval rights, etc., etc., and would render more difficult the prime object in this region as set forth in Recommendation 2).

Adjacent states would of course enjoy adequate rights of access to the waters of the internationalized area.

It is recommended that the boundaries of the proposed state:

3b) On the European side follow the general direction of the Enos-Midia line, adapted to the physical and economic features of the country.

3c) On the Asiatic side follow in part the line of the Sakaria

river, include within the new state the towns of Brussa and Pan-derma, and emerge on the Aegean at a point north of Ineh, as shown on map 19.

*68 *The new state should include the land that may be needed to serve such immediate material wants of the capital as garden and dairy products, water supply, etc., but it should be sufficiently restricted in area to reduce to the lowest terms the task of administration.

3b The Enos-Midia line offers the best frontier on the European side if Recommendation 3a) is accepted, since it rests upon the best historic, topographic, and ethnic basis.

3c The line on the Asiatic side is drawn so as not to separate the valley floors and the hill pastures, and follows the stream courses and watersheds as on the European side.

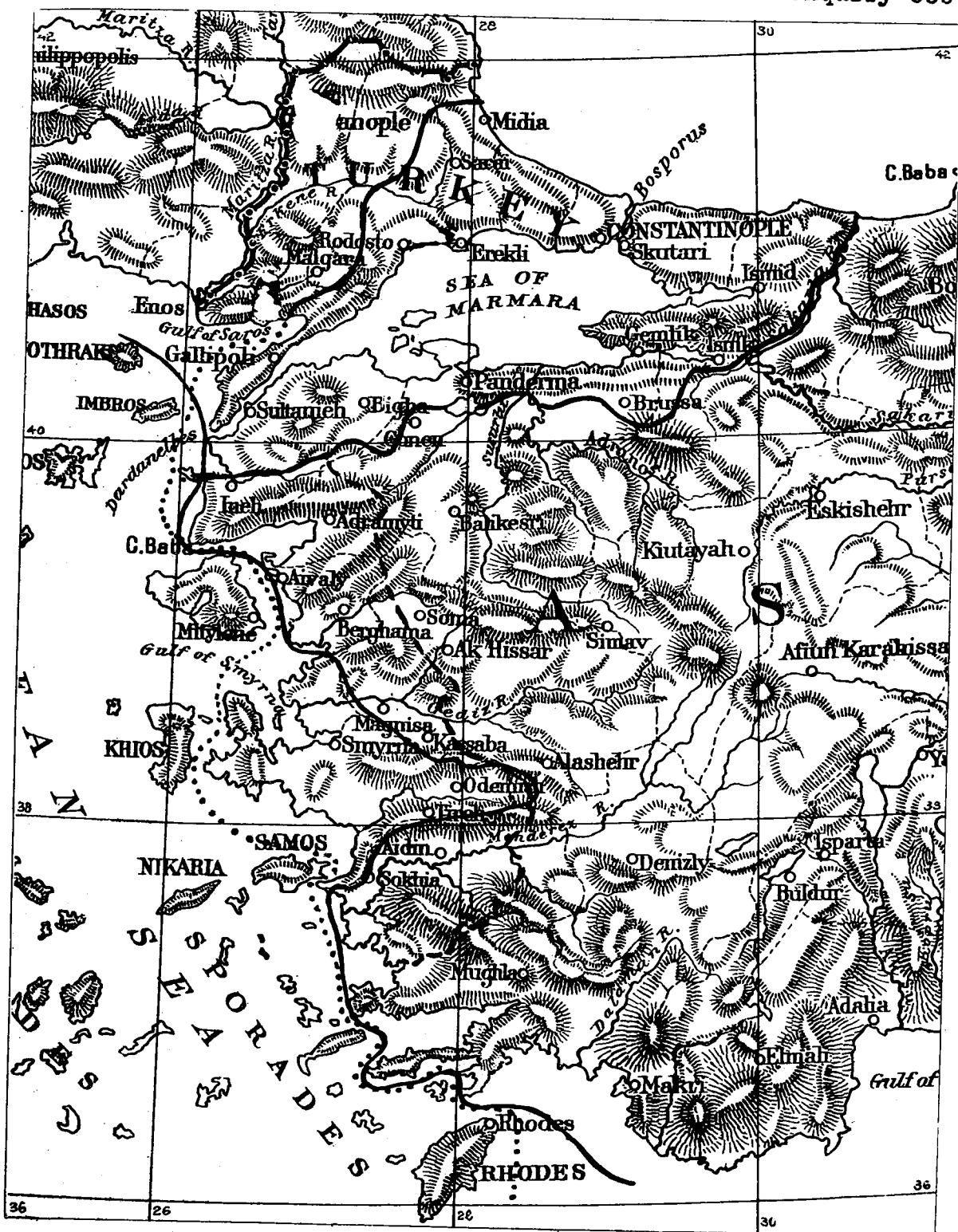
Brussa, a former Turkish capital with a population of 75,000, located about 16 miles from the Sea of Marmora, is included in the new state in order to prevent the Turks from making it their capital. As such it might easily become the center of international intrigues, disturbing the large Turkish population in and about Constantinople and, therefore, the stability and smooth administration of the new international state.

4) It is recommended that the Bosphorus, Sea of Marmora, and Dardanelles be permanently opened as a free passageway to the ships and commerce of all nations, under international guarantees.

This declaration is in such full harmony with the spirit of the new world order, and is so nearly axiomatic from the standpoint of international justice, as to require no elucidation.

CONSTANTINOPLE AREA AND GREEK ASIA

Inquiry 650



— Linguistic Boundary

*22. TURKEY.

*69

It is recommended:

- 1) That there be established a Turkish Anatolian state, with boundaries as indicated on map 20.
- 2) That there be applied to the Turkish Anatolian state the mandatory principle, but no recommendation is made as to the Power to be selected to carry out this principle.

DISCUSSION.

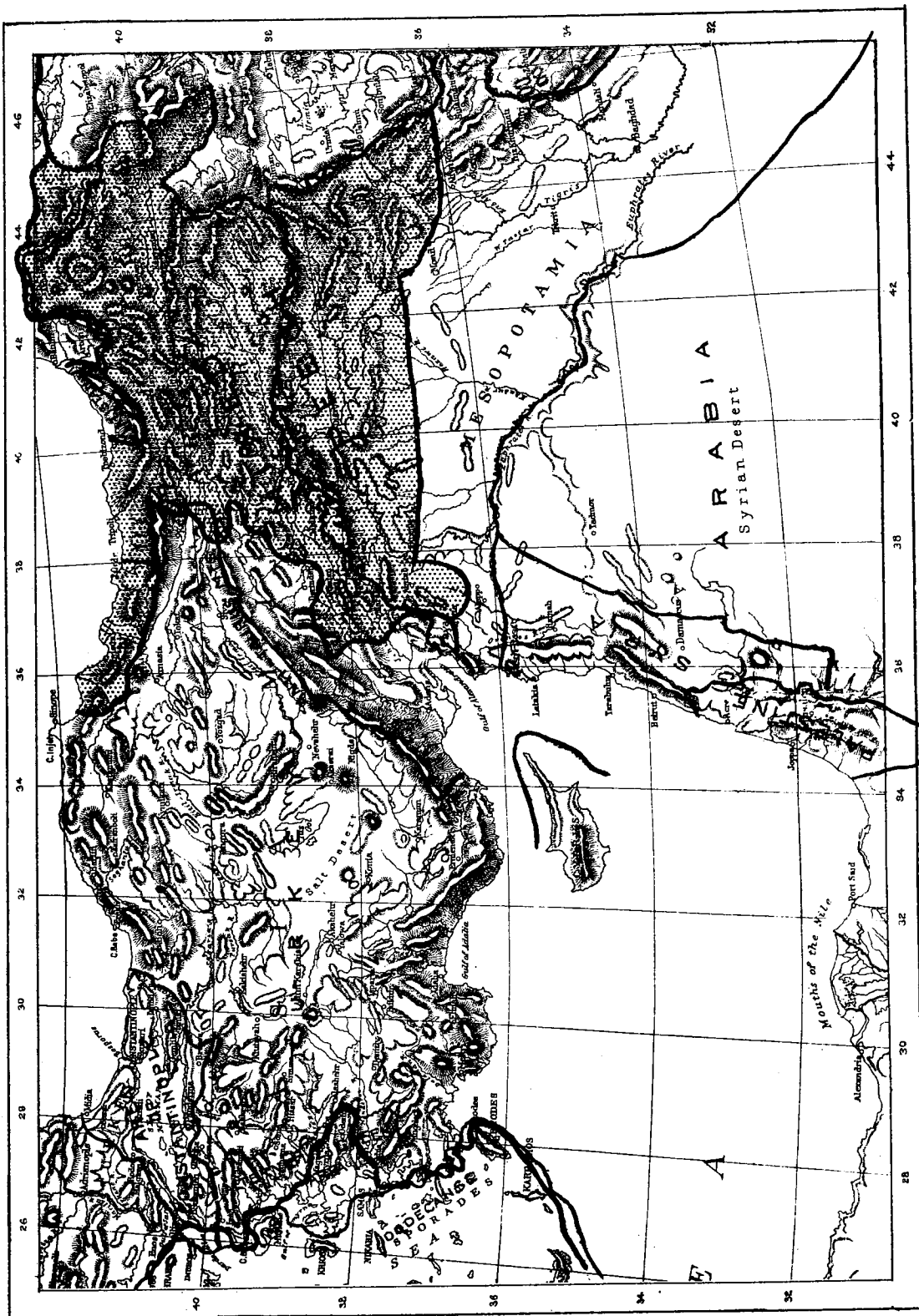
- 1) It is recommended that there be established a Turkish Anatolian state, with boundaries as indicated on map 20.

An outstanding feature is the presence, in Asia Minor, west of the Anti-Taurus Mountains, of a solid block of Turkish Moslems. They constitute a sound Anatolian peasantry whose chance of independent development deserves every consideration. The fact is patent, and with fresh opportunities of development the proposed state may in time have both stability and power. Not the least of its assets would be freedom from the burden of governing alien peoples of different faith, whose oppression by the Turk has reacted upon him morally and politically, with well-known evil effects.

The new state is delimited on the west by a line roughly parallel to the Bosphorus-Dardan*elles *70 thoroughfare and would form the frontier between the Turkish state and the internationalized Constantinople region. The line has been drawn so as to separate Brussa from Turkey, because it is the ancient capital from which, if it were left in the possession of Turkey, there might be launched successive projects of international intrigue that would defeat the purposes for which the Constantinople state is established. It would be far better, from an international standpoint and also from the standpoint of the physical development of the Turkish folk, if their capital were established well within their new borders, say at Konia, at which center both ethnic and historic sentiment. It was once the capital of the Moslems.

Although an alternative Greek area is shown in the Smyrna region, it is not part of this recommendation that it be assigned to Greece. The arguments for such assignment have been scrutinized with great care, and it is felt to be unsafe from every standpoint, commercial, strategic, and political, to give Greece a foothold upon the mainland of Asia Minor. The possession of the Dodecanese puts Greek people, Greek ships and Greek merchants, at the very doors of the new state. To give her a foothold upon the mainland would be to invite immediate trouble. Greece would press her claims for more territory; Turkey would feel that her new boundaries were run so as to give her a great handicap at the very start. The harbor of Smyrna has been for centuries an outlet for the products of the central Anatolian valleys and upland.

The recommended state of Turkey would be one-sixth larger than Italy, and would have a population of about 5,700,000.



*23. ARMENIA.

*71

It is recommended:

- 1) That there be established an Armenian state as delimited upon map 20.
- 2) That this state be placed under the supervision of a mandatory of the League of Nations.

DISCUSSION.

- 1) It is recommended that there be established an Armenian state as delimited on map 20.

The Armenian problem is a singularly difficult one from the standpoint of the establishment of new states, because, except for a small area north of Lake Van and in Kars and Erivan, the Armenians are everywhere in the minority. They constitute not more than thirty or thirty-five per cent. of the population.

It is held that the principle of majorities should not apply in this case, because of the conditions under which the Armenian people have lived in the past. They have suffered from every handicap of nature and man; they have been massacred and deported by hundreds of thousands; they have been the subject of international political intrigue; and at this moment, helpless and weak as they are, they are being pressed for the unfavorable settlement of their affairs by big Powers seeking to define spheres of future political and commercial interests. It would be a departure from the principle of fair dealing *if at this *72 time their every claim were not heard with patience, and their new state established under conditions that would in some manner right historic wrongs.

As for the non-Armenian elements included within the proposed state, they could be adequately protected by international guarantees, according to the principle invoked in so many other cases of mixed nationalities in highly disputed and critical zones.

The singular configuration of the new state, as defined on the map, is fixed by nature. The Anti-Taurus and

Taurus mountains are topographical features of the first rank. They are natural barriers. The boundaries would run for the most part through thinly populated regions. Although remote from the main currents of the world's trade, Armenia's two outlets on the Black Sea and the Mediterranean would ensure that vitalizing contact needed for economic security. Topographically and commercially the Cilician region of Adana belongs to the Armenian highlands, and not to Turkish Anatolia or Syria on either side.

The inclusion of the former Russian provinces of Kars and Erivan, with the sub-districts of Akhalkalki and Akhaltsikh, is determined by the fact that they contain the largest block of Armenian peoples. The delimitation on the map is both ethnographic and topographic in character, and is based upon the expressed desire of the leaders of the present Armenian Republic in the Caucasus.

To Armenia has been assigned a good harbor at Trebizond, which has the additional advantage of uniting with the Armenians about one-half of the strong minority of Greeks in this area.

***73** ***2)** It is recommended that the Armenian state be placed under the supervision of a mandatory of the League of Nations.

This recommendation is all but axiomatic, because of the inexperience and defects of the population, its mixed character, and its weakness.

***74** ***24.** MESOPOTAMIA.

It is recommended:

1) That there be established a Mesopotamian state.
 2) That there be applied to the Mesopotamian state the mandatory principle, but no recommendation is made as to the Power to be selected to carry out this principle.

3) That no solution be adopted which would preclude the incorporation of this state in an Arab confederation, if a desire for such incorporation should take actual form in Mesopotamia.

DISCUSSION.

1) It is recommended that there be established a Mesopotamian state.

The Mesopotamian area, as defined on map 20, is a racial unit. There is Arab linguistic unity south of a line drawn from Alexandretta to the Persian border. Above this line live Arabs, Armenians, Turks, Kurds and Assyrians, each group speaking a distinct language. Below this line there is comparatively a much higher degree of unity. It is essential to the development of the great irrigation projects below Baghdad that the headwaters of the Tigris River, *and as much of the Euphrates as *75 possible, should be under a single administration. The welfare of the foothills of Kurdistan and of the great steppe region of Mesopotamia is bound up with the irrigable lowlands of the Tigris and Euphrates basin.

To separate the headwater area of the Tigris and Euphrates drainage basins from the irrigated valley floors and lowlands further down-stream would be to create sources of dispute and render doubly difficult the task of establishing a suitable government.

The southern border of the area lies at the edge of the Arabian desert, where new relationships come in and different political treatment.

2) It is recommended that there be applied to the Mesopotamian state the mandatory principle, but no recommendation is made as to the Power to be selected to carry out this principle.

3) It is recommended that no solution be adopted which would preclude the incorporation of this state in an Arab confederation, if a desire for such incorporation should take actual form in Mesopotamia.

Nothing should be done to preclude the possibility of the future development of an Arab confederation, including Mesopotamia, as an alternate solution which would be desirable.

*76

*25 SYRIA.

It is recommended:

- 1) That there be established a Syrian state. See map 20.
- 2) That there be applied to the Syrian state the mandatory principle, but no recommendation is made as to the Power to be selected to carry out this principle.
- 3) That no obstacle be interposed against the final incorporation of the Syrian state in an Arab confederation, if the tendency toward this solution should develop in the country.

DISCUSSION.

- 1) It is recommended that there be established a Syrian state.

While Syria belongs to the Arab-speaking world, it has an unusually large European population, close commercial and cultural relations with Europe, a strong Christian element and a sedentary mode of life. It should therefore be separated at the outset from the nomad Arab area.

Its eastern boundary has been drawn with these *77 considerations in mind, and runs just *beyond the border of the sown land, so as to include all of the grain-growing regions, of which the Hauran, below Damascus, is the richest. The northern boundary of Syria is quite artificial, and indeed this boundary could not be drawn on racial lines.

The new state would have a population of about 400,000, and would about equal in area the state of Bulgaria.

- 2) It is recommended that there be applied to the Syrian state the mandatory principle, but no recommendation is made as to the Power to be selected to carry out this principle.
- 3) It is recommended that no obstacle be interposed against the final incorporation of the Syrian state in an Arab confederation, if the tendency toward this solution should develop in the country.

There is a possibility of the future development of an Arab confederation which will include all of the Arab-speaking portions of the former Turkish Empire. The present strength of this Arab movement is hard to gauge. It would be the best solution from the standpoint of the welfare and development of the Arab states.

*26. PALESTINE.

*78

It is recommended:

- 1) That there be established a separate state of Palestine.
- 2) That this state be placed under Great Britain as a mandatory of the League of Nations.
- 3) That the Jews be invited to return to Palestine and settle there, being assured by the Conference of all proper assistance in so doing that may be consistent with the protection of the personal (especially the religious) and the property rights of the non-Jewish population, and being further assured that it will be the policy of the League of Nations to recognize Palestine as a Jewish state as soon as it is a Jewish state in fact.
- 4) That the holy places and religious rights of all creeds in Palestine be placed under the protection of the League of Nations and its mandatory.

DISCUSSION.

- 1) It is recommended that there be established a separate state of Palestine.

*The separation of the Palestinian area from Syria finds justification in the religious experience of mankind. The Jewish and Christian churches were born in Palestine, and Jerusalem was for long years, at different periods, the capital of each. And while the relation of the Mohammedans to Palestine is not so intimate, from the beginning they have regarded Jerusalem as a holy place. Only by establishing Palestine as a separate state can justice be done to these great facts. *79

As drawn upon the map, the new state would control its own source of water power and irrigation, on Mount Hermon in the east to the Jordan; a feature of great importance since the success of the new state would depend upon the possibilities of agricultural development.

- 2) It is recommended that this state be placed under Great Britain as a mandatory of the League of Nations.

*79

Palestine would obviously need wise and firm guidance. Its population is without political experience, is racially composite, and could easily become distracted by fanaticism and bitter religious differences.

The success of Great Britain in dealing with similar situations, her relation to Egypt, and her administrative achievements since General Allenby freed Palestine from the Turk, all indicate her as the logical mandatory.

3) It is recommended that the Jews be invited to return to Palestine and settle there, being assured by the Conference of all proper assistance in so doing that may be consistent with the protection *of the personal (especially the religious) and the property rights of the non-Jewish population, and being further assured that it will be the policy of the League of Nations to recognize Palestine as a Jewish state as soon as it is a Jewish state in fact.

It is right that Palestine should become a Jewish state, if the Jews, being given the full opportunity, make it such. It was the cradle and home of their vital race, which has made large spiritual contributions to mankind, and is the only land in which they can hope to find a home of their own; they being in this last respect unique among significant peoples.

At present, however, the Jews form barely a sixth of the total population of 700,000 in Palestine, and whether they are to form a majority, or even a plurality, of the population in the future state remains uncertain. Palestine, in short, is far from being a Jewish country now. England, as mandatory, can be relied on to give the Jews the privileged position they should have without sacrificing the rights of non-Jews.

4) It is recommended that the holy places and religious rights of all creeds in Palestine be placed under the protection of the League of Nations and its mandatory.

The basis for this recommendation is self-evident.

*27. ARABIA.

*81

It is recommended:

1) That the desert portion of the Arabian peninsula, exclusive of the agricultural areas of Syria and of the Euphrates and Tigris valleys, be treated as a separate block. See map 21.

2) That in regard to the present tribal states, numbering over twenty, which exist in the peninsula, no definite action be taken.

3) That the area with regard to which no definite action shall be taken be that bounded on the north by the Euphrates river from the bend where it turns southeast to a point just below the town of Hit, and from that point onward by a line which stretches out into the desert, ending at the Persian Gulf below Koweit; and on the west by the Red Sea, the eastern boundary of Palestine, and a line through the desert delimiting the agricultural portions of Syria.

4) That the policing of the Red Sea, Indian Ocean, and Persian Gulf coasts of Arabia, and the border lands behind these, be left to the British Empire.

*5) That in spite of the political prominence of the *82 King of the Hedjaz, he be not aided to establish an artificial and unwelcomed dominion over tribes unwilling to accept his rule.

DISCUSSION.

1) It is recommended that the desert portion of the Arabian peninsula, exclusive of the agricultural areas of Syria and of the Euphrates and Tigris valleys, be treated as a separate block.

In regard to this large desert area of Arabia, it is unwise to take decisive action at present. The Kingdom of Hedjaz under the Cherif of Mecca is at the present time the strongest in the group of Arabian tribal states; nevertheless it is not so powerful that a successful single Arab confederation can be built around it. It is only this week that the Hedjaz forces have been able to recapture their own city of Medina.

2) It is recommended that in regard to the present tribal

states, numbering over twenty, which exist in the peninsula, no definite action be taken.

The chieftains of the inner desert tribes, especially Ibn Saud, are absolutely opposed to extension on the part of the king of Hedjaz. The sheikhs of Asir and Yemen would look with equal hostility on the consolidation of his power.

3) It is recommended that the area with regard to which no
*83 definite action shall be taken be that *bounded on the north by the Euphrates River from the bend where it turns southeast to a point just below the town of Hit, and from that point onward by a line which stretches out into the desert, ending at the Persian Gulf below Koweit; and on the west by the Red Sea, the eastern boundary of Palestine, and a line through the desert delimiting the agricultural portions of Syria.

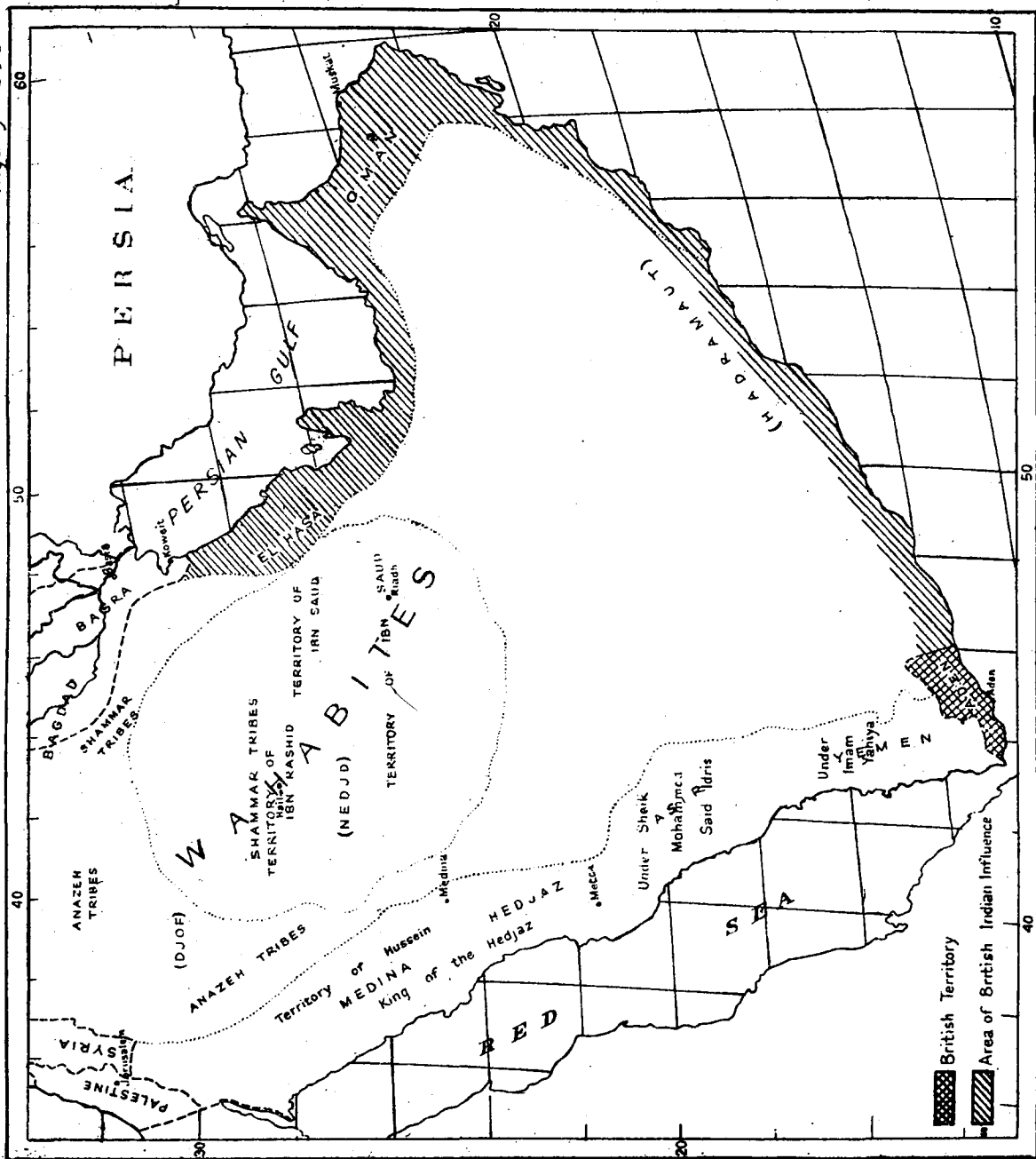
The boundaries of this Arab block, in which no definite action can be taken, are so drawn as to distinguish the desert tribal civilization from the civilization of the sedentary Arabs of the irrigable lands of the Tigris and Euphrates valleys, below Baghdad, and of the fertile and very productive lands of the Syrian Arabs, from Aleppo down to a point below Damascus. In the north the desert tribes must be given access to the Euphrates river from Hit to the northward bend of the river, for the purpose of watering their flocks.

4) It is recommended that the policing of the Red Sea, Indian Ocean, and Persian Gulf Coasts of Arabia, and the border lands behind these, be left to the British Empire.

The Power which understands best how to handle the Arabs is the British Empire. By controlling the coastal areas and the markets along the edge of the desert at which the desert tribes must trade, the British Indian Office has been able to exercise some influence over the inland tribes.

*84 *5) It is recommended that in spite of the political prominence of the King of the Hedjaz, he be not aided to estab-

ARABIA



lish an artificial and unwelcomed dominion over tribes unwilling to accept his rule.

The King of the Hedjaz and his sons should not receive support in an attempt to establish an artificial domination over tribes of about similar strength. If, however, it can be shown that the movement for Arab unity is natural and real, and that such unity can be developed without the use of force, the movement should be given encouragement and support.

The proposal of the delegates of the King of the Hedjaz that a mixed commission be sent to Syria to learn the actual desires of the Syrians and report to the peace conference, is entirely fair and should receive support.

*85

*EQUALITY OF TRADE CONDITIONS.

References to
fuller discussion

"The removal, so far as possible, of all economic barriers, and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance."

Summary of Recommendations

Page 87

1. The system of export and import prohibitions, tariffs, and other trade charges of every nation, dominion, colony, and protectorate must be single and uniform and without discrimination as respects all other parts of the world.

Page 88

2. No nation should discriminate in favor of its own vessels or as among the vessels of other nations with respect to:

- (1) Tonnage dues, harbor dues, and other similar charges upon *vessels*.
- (2) Import and export prohibitions, tariffs, internal taxes, and other charges upon *cargoes*.

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3. There should be no discrimination in import and export prohibitions, tariffs and other charges which a nation levies upon goods of like origin or destination imported or exported by different routes or *via* different ports.

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4. Two general exceptions must be made to the foregoing rules:

- (1) Certain established discriminations must be permitted to continue.
- (2) Provision must be made for associations in the nature of *customs unions* in (a) Europe and (b) the American continents.

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5. Transit trade (e. g., trade between two countries across the territory of a third) must be free of

customs duties, transit duties, discriminatory railroad rates, and all other restrictions.

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- *6. Export bounties, direct and indirect, open or disguised, should be prohibited. *86

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7. The associated nations should agree to provide adequate security for fair international trade and adequate safeguards against unfair international competition. To this end they should bind themselves by the provisions of the Convention for the Protection of Industrial Property (Washington, 1911) and the Convention for the Protection of Works of Literature and Art (Berlin, 1908).

Page 91

8. States directly engaged in international trade should have, in respect to such trade, none of the prerogatives of sovereignty, but should be subject to all the rules of equality and fair dealing binding upon private traders.

Page 91

9. An international trade commission, with power to investigate and report upon facts, but not necessarily clothed with judicial power, should be established to ensure the proper observance of the rules proposed above.

*87

*NOTES ON RECOMMENDATIONS

The General Nature of the Proposals

The proposals
are not
revolutionary

There is little that is new or revolutionary in the proposed agreements. For the most part they embody principles already recognized in commercial treaties between pairs of States or in existing conventions subscribed to by a number of States.

The present
system

The trade relations of the world have been largely determined, it is fair to say, by a complex network of bi-lateral commercial treaties, differing widely in their scope and in the reciprocal concessions which they grant, and held together and made at all consistent and tolerable only by most-favored-nation clauses. The worst features of this system of treaties, each obligating only a pair of States, are their lack of uniformity and the opportunity they give the stronger States to secure unfair advantages.

A multi-lateral
commercial
treaty

The present proposals would, if adopted, form the framework of a *general commercial treaty*, binding all of the Associated Nations to a simple and uniform system of equality and fair dealing in all their trade relations.

Recommendation 1.—No Tariff Discriminations

General most-
favored-nation
treatment in
respect to
tariffs

Leaving each nation free to frame its own tariff to fit its own national needs, the proposal is merely that tariffs and similar trade regulations shall be single and uniform; that is, that *all* nations shall be "most favored nations." This would accomplish two things:

Bargaining
tariffs

1. It would do away with the *bargaining tariffs* now prevalent in continental Europe. These

tariffs provide one set of duties for imports from favored nations and higher duties for imports from other countries. They are used to secure concessions, sometimes unfair, from other countries.

The open door

2. It would secure *the open door* in colonial possessions in respect to all tariff matters.

*Some tariff discriminations would remain. *88

A nation would still be able to shape its tariff schedules so as to bear more heavily upon the products of some countries than of others. And there are other obstacles than tariffs to equal trade opportunities in colonies. But to equalize tariffs would be a large and definite accomplishment.

Recommendation 2.—National Treatment of Vessels

More than most-favored-nation treatment

To secure real equality, it is necessary that no State should grant preferences to its own shipping as respects harbor charges and harbor facilities, nor should there be any discriminations in favor of the *goods* carried in domestic vessels.

The principal existing discriminations of this kind are the French *surtax de pavillon* (now used only as a retaliatory weapon) and the tax of 10 per cent *ad valorem* which the United States imposes on goods brought in foreign vessels (in large measure already set aside by special treaty provisions).

Recommendation 3.—Equal Treatment of Goods Imported or Exported by Different Routes

French and American discriminations

France imposes additional duties (*surtaxes d'entrepôt*) on certain European goods imported from other countries than those of origin and on most

non-European goods imported via other European countries. The United States imposes an additional duty of 10 per cent *ad valorem* on foreign goods brought in through Canada or Mexico. Such surtaxes, imposed with the purpose of increasing the trade of home ports, are clearly contrary to the principle of equality of trade conditions.

Recommendation 4.—Exceptions

*89 It is assumed that political factors make a special treatment of existing discriminations necessary. Moreover, an old discrimination, to which trade conditions have become adjusted, is not as *objectionable as a new one. In addition to the special surtaxes mentioned in the notes on Recommendations 3 and 4, above, the principal forms of tariff discrimination are: (1) the "imperial preference" system, (2) departures from the open door principle in colonies, (3) bargaining tariffs, found especially in European countries.

**Imperial
preference**

1. The British self-governing dominions grant preferential tariffs to each other and to Great Britain. Since the dominions are wholly autonomous in tariff matters, this is a direct violation of the principle of equality. But imperial preference tariffs are so closely bound up with the prevailing trend of opinion in the dominions respecting the political unity of the British Empire that the abrogation of the system is hardly a matter open for discussion.

The closed door 2. In their non-self-governing colonies, Great Britain, Holland and Germany have given equal tariff treatment to traders of all nations, while France, Italy, Portugal, and the United States give free trade or preferential duties to their

own exporters. Certain instances, like the preferential arrangements with Algeria, Hawaii and Porto Rico are easy to justify. But the Philippines tariff and part of the French system of "tariff assimilation" stand on a less defensible basis. The French "assimilated colonies," including Algeria, Tunis, Indo-China, Madagascar, Reunion, Martinique, Guadeloupe, New Caledonia, Guiana, and Gaboon, have reciprocal free trade with France, while duties equal to those of the French tariff are imposed upon imports from other countries.

3. It may not be necessary to retain the existing discriminatory or bargaining tariffs of the larger European nations. These tariffs will have to be revised to meet new conditions, and their discriminatory features may then be eliminated.

A provision permitting associations in the nature of customs unions is necessary for three reasons :

1. Provision must be made for reciprocal tariff concessions between contiguous States like Spain and Portugal or Norway and Sweden.
2. The new States established in Eastern Europe, will need to associate themselves in groups, *maintaining a *90 common external tariff frontier against the rest of the world, but giving much larger freedom to trade across their own internal frontiers. The markets of Poland and of Russia, for example, have grown to be interdependent, and it would be fatal to establish a high tariff barrier between them.
3. The States of the American continent must claim an equal amount of freedom to establish their own economic groupings.

Recommendation 5.—Freedom of Transit

Absolute freedom of transit trade from duties or imposts of every kind, together with guarantees of

**Tariff
"assimilation"**

Customs unions

**Contiguous
States**

**The need of
new States**

**The Monroe
Doctrine**

**Access to
the sea**

equal and fair treatment of such trade in respect to railway rates and facilities, is necessary in order to give landlocked states an assured access to the sea.

Recommendation 6.—No Export Bounties

**An anti-dumping
agreement**

Export bounties are sometimes direct and open. More often they are disguised in such forms as special railway rates, exemptions from internal taxation, excessive "draw-backs," and the connivance of the State in the "dumping" policies of trusts and cartels. They are peculiarly provocative of international friction and should be outlawed. An admirable precedent is afforded by the Brussels Sugar Convention of 1902.

*Recommendation 7.—Suppression of Unfair
Competition.*

**Industrial
property**

The Convention for the Protection of Industrial Property, signed by most of the principal Powers, including the United States, provides for reciprocal safeguards against the infringement of patents, trade marks and firm names. It specifically binds each signatory Power to give to foreigners the same degree of protection against unfair competition that it affords to its own citizens. Under this convention the German courts have held that American corporations doing business in Germany are protected by the *stringent provisions of the German unfair competition statute of 1909.

**Unfair
competition**

*91

Copyrights

The Convention for the Protection of Works of Literature and Art provides for reciprocal protection of copyrights. The United States is not a party

to this convention, because it refuses to grant copyrights to English books unless printed in the United States. The American financial and labor interests protected by this offence against international fair-dealing are relatively small.

Recommendation 8.—A State Engaged in International Trade should be Bound by the Law

"Sovereignty"
should not pro-
tect unfair
dealing

In view of the possible development of direct State activity in international trade, particularly in maritime commerce, it is well to make it certain that a sovereign State is bound by the same rules of fair and equal dealing in such matters that are applicable to private traders.

Recommendation 9.—An International Trade Commission

Membership

Representation might be apportioned on the basis of participation in the world's trade. If each nation which had over one per cent of the world's trade in 1912 appointed one commissioner, the commission would have only thirteen members. Its functions might be :

Tariff
information

1. To compile and publish information with respect to the tariff systems of the world.

Commercial
statistics

2. To compile and publish accurate and comparable statistics of international trade.

Investigations
of inequalities
in trade
conditions

3. To investigate and report upon the facts in cases of alleged violations of the agreements establishing equality of trade conditions.

Possible
procedure

One nation, for example, might increase its tariff on sugar imported from another country on the ground that this other country

was granting an (indirect) bounty
*on sugar exports. Is the increase *92
in tariff really discriminatory? Is a
bounty actually given? In case the countries
fail to come to an agreement, one of them
refers the matter to the International Com-
mercial Commission. The commission ascer-
tains the facts and gives publicity to its
findings. If this does not effect a settlement
of the case there might be an appeal to a
court—national or international—which
should determine the issue upon the record
of the facts found by the commission.

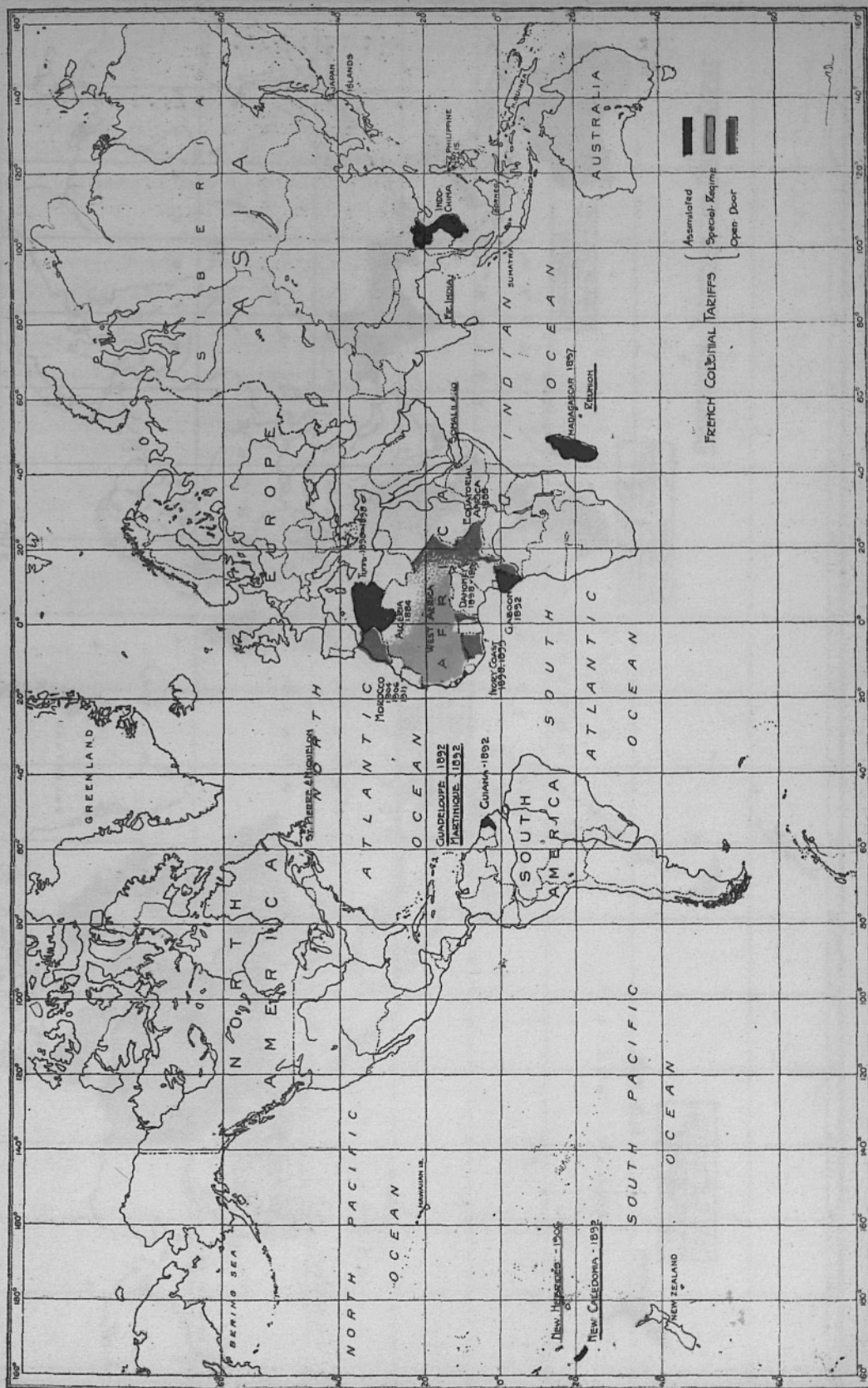
Advantages

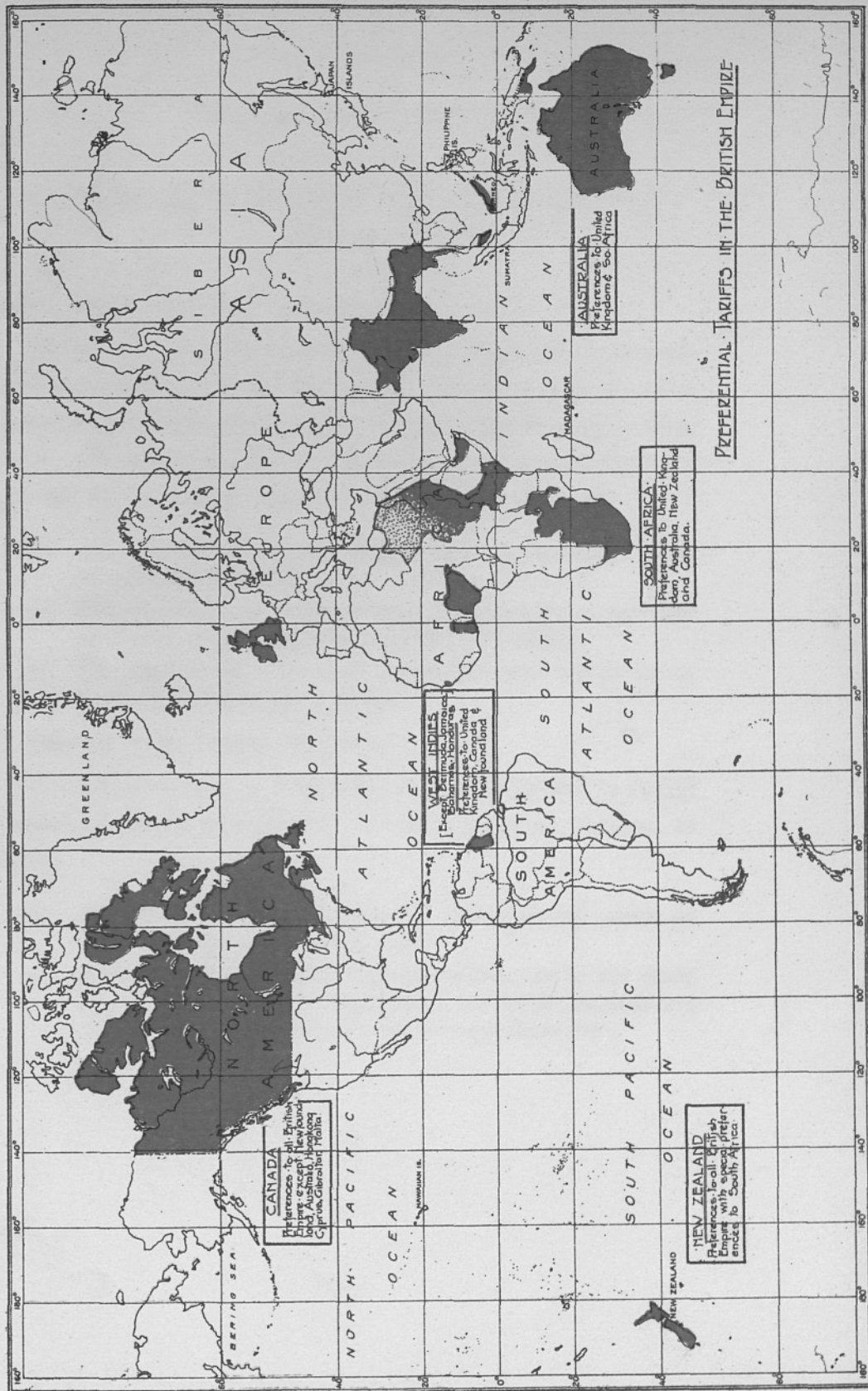
To establish such a commission would do much
to ensure the observance of the rule of equal trade
conditions. And by affording a clearing-house or
common center for international commercial infor-
mation it might lessen the harmful effects of the
uninformed and malicious gossip that now passes
current under the name of "international trade in-
formation."

A. A. Y.

With heavy obligations to D. H. M.^a

a. This is the way Dr. Young signed the paper. See Documents 38, 161, 167, 245,
and Diary references thereto, pp. 23, 41, 75, 76, 95.





*RECOMMENDATIONS

*93

RELATIVE TO
LEGISLATION IN REGARD TO INTERNATIONAL
LABORI. *Existing International Agreements:*

The body of general international agreements existing between the European Powers with reference to Labor Legislation should properly be made the starting point for action by the present Conference. From these covenants the following recommendations are suggested for immediate adoption in the Treaty of Peace:

- 1) The prohibition of the employment in industrial labor of children less than 14 years of age.
- 2) The imposition of proper restrictions upon the night labor of women and youths less than 16 years of age.
- 3) The application of domestic protective labor legislation to resident and migratory aliens.

II. *Relation to the League of Nations:*

Future development of International Labor Legislation should be provided for in the structure of the League of Nations, as follows:

- 1) A Periodic Conference upon the international aspect of labor legislation in general, and
- 2) A Bureau to serve these periodic conferences by the study of such aspects of labor legislation, and by the compilation of statistical, experimental, and other information.

***94 *COMMENT ON THE PROPOSALS FOR
LEGISLATION**

I. There exists a small but important body of general treaties by which the European Powers, through joint agreement, have mutually bound themselves to certain measures of labor legislation. These general European covenants should now be made universal. The experience of Europe has definitely established that such international action is effective in raising the level of the standards of civilization, as the following facts indicate:

Child Labor

- 1) In 1890, when the series of International Labor Conferences was inaugurated at Berlin, twelve of the fifteen European countries which had laws protecting child labor, permitted children from nine to twelve years of age to work in factories. In 1918 twenty-three states in Europe had enacted child labor laws, and thirteen of them, including the chief industrial nations, had made thirteen or fourteen the minimum age of employment (see Table I, attached).

Labor of Women and of Young Persons

- 2) Prior to 1906, when the Berne Conference recommended a nightly rest of eleven hours for women in industry, there were no laws on the subject in fifteen European States, and only one required as much as eleven hours. As an immediate result of the Berne conference, nearly every European country has enacted into law the eleven hour nightly rest for women and young persons (see Table II).

Migratory Labor

- 3) The need of international agreement with reference to the labor of aliens has been keenly felt in Europe. It has two aspects: the protection of the immigrant and the protection of the native from his competition; both of which are met by insisting upon his participation in social legislation, either of his country of origin (by reciprocal agreements) or his country of residence. Such legislation would make universal the application of existing laws.

*COMMENT

*95

ON
INTERNATIONAL LABOR CONFERENCES
AND BUREAU

The League of Nations should have a periodic Conference for international labor problems similar to those for colonial or economic problems. The composition of this conference would be determined by the governments of the various countries; but it should include some representatives of Labor, as has been the case in the Berne Conferences.

Such conferences would assume much the same functions as are implied in the proposed labor Parliaments referred to in the programs of the Labor leaders. They should work in close articulation with the Secretariat of the League of Nations.

The Bureau for the study of Labor Legislation could be based directly upon the existing organization known as the International Bureau for Labor Legislation which has its central office in Switzerland, but which has affiliated with it various national Committees, such as the American Association for Labor Legislation. Indeed, this admirable organization can be taken over and made responsible to the Secretariat of the League of Nations. It has a long and successful experience upon which to build.

*TABLE I. MINIMUM AGE OF ADMISSION TO
INDUSTRIAL LABOR

*96

Class I. Minimum legal age of employment 15 years or more.

EUROPE

AMERICA

CANADA

California (both sexes)
Michigan " "
Nevada (16 for girls only)
Ohio (both sexes, 16 for
girls)
Texas (both sexes)

British Columbia (girls)
Manitoba (girls)

AUSTRALIA

Victoria (girls)

Class II. Minimum legal age of employment at 14, or at 13, with special provision for completion of schooling.

EUROPE

AMERICA

Austria	Alabama	Missouri	Wisconsin
Bosnia	Arizona	Montana	
Belgium	Arkansas	Nebraska	CANADA
Denmark	Colorado	Nevada (boys)	British Columbia
Germany	Connecticut	New Hampshire	Manitoba (boys)
Great Britain	Delaware	New Jersey	New Brunswick
Norway	District of Columbia	New York	Nova Scotia
Serbia	Florida	North Dakota	Ontario
Sweden (girls)	Georgia	Oklahoma	Saskatchewan
Switzerland	Idaho	Oregon	
	Illinois	Pennsylvania	
AUSTRALASIA	Indiana	Porto Rico	
New South Wales	Iowa	Rhode Island	
New Zealand	Kansas	South Dakota	
Queensland	Kentucky	Tennessee	
Tasmania	Louisiana	Utah	
Victoria (boys)	Maine	Vermont	
Western Australia	Maryland	Virginia	
	Massachusetts	Washington	
	Minnesota	West Virginia	

Class III. Minimum legal age of employment 13 years.

EUROPE

AMERICA

AFRICA

France	North Carolina	Algeria
Netherlands		
Sweden (boys)		

***97 *Class IV. Minimum legal age of employment 12 years.**

EUROPE

AMERICA

ASIA

Bulgaria (by exception 10)	Mississippi (boys)	Japan
Greece	South Carolina	
Italy		
Luxemburg	LATIN AMERICA	
Portugal (by exception 10)	Buenos Aires	
Russia	Mexico	
Rumania		

Class V. Minimum legal age of employment 10 years or less.

EUROPE

LATIN AMERICA

AFRICA

ASIA

Hungary	Argentina	Egypt (9 years)	East India (9 years)
Spain	Brazil (8 in textile factories)		

*TABLE II. DURATION OF NIGHTLY RECESS FOR *98
WOMEN

Class I. Recess of 11 hours or more required by law.

Nation	—Duration of Rest for Women—	
	Previous to Berne Agreement	Since Berne Agreement
Austria	9 hours	11 hours
Belgium	no law	11 hours
France	8 hours	11 hours
Germany	9 hours	11 hours
Great Britain	12 hours	12 hours
Greece	no law	11 hours
Hungary	no law	11 hours
Italy	8 (summer) 10 (winter)	11 hours
Luxemburg	no law	11 hours
Netherlands	10 hours	11 hours
Portugal	no law	11 hours
Spain	no law	11 hours
Sweden	no law	11 hours
Switzerland	9 (summer) 10 (winter)	11 hours

Class II. Recess of less than 11 hours required by law.

	Previous to Berne Agreement	Since Berne Agreement
Bosnia	no law	9 hours
Bulgaria	no law	9 (summer) 12 (winter)
Russia	8 hours (textile factories)	8 hours
Serbia	no law	9 (summer) 10 (winter)

Class III. Denmark, Finland and Rumania have not yet legislated
on the subject.

COMMENTS
on
ECONOMIC BLOCKADE AS A SANCTION FOR THE "LEAGUE
OF NATIONS"^a

I. To Whom Prohibition of Economic Intercourse Should Be Applicable.

All residents of territory of the contracting powers whatever the nationality of these residents and all subjects of the contracting powers whatever their residence.

(Both the test of domicile and of allegiance should be adopted and the contracting powers engage not only to prevent economic intercourse emanating from their territory but to make it illegal for their subjects wherever domiciled to participate in such intercourse.)

II. What Economic Relations Should Be Prohibited.

Any economic intercourse or attempt at such intercourse with or benefit on account of any resident of territory in the control of the offending power or powers and any resident of territory in control of any power or powers which may be determined by the League not to be taking effective steps to prevent intercourse with the offending power from or through their territory.

(In determining against whom the prohibition is applicable the test should be domicile and not nationality.

It is also important that intercourse be prohibited not only with the offending power but with any power not taking effective steps to prohibit intercourse from its own territory. Otherwise, trade instead of being stopped will merely be diverted into specific channels, as through the territory of a state adjoining the offending power.)

a. Author, Vance McCormick. See Diary, p. 95.

III. Exception to General Prohibition Must Be Permissible.

(The League should be empowered to set up machinery to license transactions in contravention of the general policy of non-intercourse. Frequently intercourse will in specific cases benefit the contracting powers far more than an offending power and limited relations may occasionally be desirable on humanitarian grounds. During the present war each of the Associated Governments gave many licenses to trade with the enemy and an interallied body was set up to promote uniformity of policy in the granting of such licenses.)

IV. Distribution of Burden of Economic Blockade.

The League of Nations should adopt the principle of an equitable distribution of the burden of maintaining an economic blockade of the offending power or powers, and provide machinery for effecting such a distribution.

If the contracting powers are to cease all economic relations with the territory of the offending power or powers, the burden of such boycott will be unequal if it is allowed to lie where it falls. So great may be this inequality as practically to compel certain of the contracting powers to join with the offending state, thereby tending to split the League into two great economic groups.

During the present war it has been impracticable for neutrals adjoining Germany to cease all intercourse with her on account of their economic dependence on Germany for certain commodities, such as coal, iron, fertilizer, chemicals, etc., and dependence on Germany as a market for domestic materials. The considerable measure of non-intercourse which was obtained was made possible only by the Associated Governments, sometimes at considerable sacrifice, rendering economic assistance to these neutrals in the way of exports of commodities to, and purchase of domestic products from, the neutrals. This points to the necessity of accepting the principle of a distribution of the burden of non-intercourse and the

establishment of machinery to require the furnishing to certain contracting powers of essential imports normally received from the territory of the offending power or powers and the purchase of domestic products for which the offending power affords the normal market. Also machinery should exist to determine the total financial burden of the boycott operation and to distribute the same in an equitable manner.

GERMAN INTERNATIONAL LAW SOCIETY.

Draft of a Constitution of the League of Nations^a

Drawn up by the special Committee instituted for the purpose on September 21st 1918.

Art. 1.

The object of the League of Nations is to secure a lasting peace resting on the moral force of justice and on the independence and inviolability of all States, and to promote by co-operation the welfare of mankind.

Art. 2.

States of the League are not allowed to form separate political alliances or to conclude secret treaties.

Art. 3.

International agreements of any character must without delay be notified to the Permanent Committee of the League which will publish them in an official gazette.

Art. 4.

War may not be declared except with the consent of Parliament. States of the League whose legislation does not contain a provision to that effect are bound to introduce it forthwith.

Art. 5.

Accession to the League is open to all States endowed with a constitutional government.

The Holy See will occupy a position within the League in accordance with its peculiar importance.

a. See Diary, p. 95.

Art. 6.

No State may withdraw from the League except with the consent of the Congress of the League.

Art. 7.

The Organs of the League are:

- a) The Congress of the League,
- b) The Permanent Committee of the League,
- c) The Permanent International Tribunal,
- d) The Permanent Arbitration Court,
- e) The Executive Committee of the League,
- f) The Conciliation Office of the League,
- g) The International Administrative Councils.

The Congress of the League is the assembly of the representatives of the States of the League. It meets in session at the Hague at least every third year. Each State of the League appoints three delegates, possessing, however, one vote only. The Congress of the League is the supreme organ of the League of Nations. At the first meeting of every session it elects a president who controls the proceedings until another chairman is elected. The decisions of the Congress of the League are taken by a majority of two thirds.

The Permanent Committee of the League is composed of the representatives of the States of the League appointed for the purpose. They have to reside permanently at the Hague. The diplomatic representatives of the States of the League at the Hague are excluded from membership. The Permanent Committee receives its instructions from the Congress of the League by the President in accordance with the functions assigned to it in this Convention. The distribution of work, especially its control, is determined by a majority of votes.

The Permanent International Tribunal is formed in accordance with the Draft Convention relative to the creation of a Judicial Arbitration Court drawn up at the Hague in 1907.

As to the Permanent Arbitration Court articles 48-50 of the first Hague Convention of October 18th 1907 apply.

The Executive Committee is composed of 9 members and is formed in the following manner:

Each party appoints 2 members and selects 2 neutral States, either of which appoints one member. The umpire is chosen by Switzerland. If the appointment or selection is delayed, Switzerland requests neutral States to appoint the members, instead of the delaying State. If Switzerland is a party to the conflict or has been selected as one of the neutral States, its place is taken by a fifth neutral state to be selected by the four neutral States.

The International Conciliation Office is constituted in the same manner as the Permanent Arbitration Court (Arts, 43ff. of the first Hague Convention of October 18th 1907). Its members are selected from a special list, from which the members of the Permanent Arbitration Court are excluded.

The International Administrative Councils are the central offices of the International Unions. Their competence, their institutions and their procedure are determined by the treaties of the several Unions.

Art. 8.

International differences which it was found impossible to remove by diplomacy must be settled by jurisdiction or arbitration, or they must be brought before the International Conciliation Office.

Art. 9.

The regular organ for settling disputes between one state and another is the International Tribunal, with whom each member of the League may lodge its grievances. The accused State is obliged to give an answer to the charge. The decisions are pronounced in the name of the League.

The International Tribunal is likewise competent:

1. To deal with all complaints of private individuals against

foreign States and Heads of States, if they have successfully pleaded the incompetence of their national Courts,

2. As court of appeal in cases of doubtful interpretation of state treaties, especially in the domain of private international law, if the decision of a national court concerning disputed claims is contested by international recourse instead of being brought before the Supreme Court of the Country.

Art. 10.

The Permanent Court of Arbitration is competent in virtue of a compromise or on the strength of a resolution of the International Tribunal to assign the case to it.

The assignment may be proposed to the International Court on the plea that a compromise provides the competence of the Arbitration Court.

The assignment to the Permanent Arbitration Court may also be requested on the ground that the point at issue involves the vital interests, the independence or the honour of the State, or on the plea that the question at issue is not one of legal nature, but a political quarrel or merely a conflict of interests.

Art. 11.

The International Conciliation Office is competent in virtue of a resolution of the International Tribunal to assign the case to another court (Art. 10) or on the strength of a joint request of the parties. Its business is to bring about an understanding and a compromise. The regular form in which it winds up the case is an Award accompanied by a statement of reasons.

The parties have, within a fixed time to declare in writing to the Conciliation Office, whether they accept or decline the Award.

Art. 12.

The Executive Committee is the organ for the protection of the statutes of the League of Nations against violation as well as for carrying out the measures decreed. It enters on its duties in the

cases provided for (Arts. 10, 11) or at the request of the Permanent Committee, if a State of the League demands it on the strength of a charge preferred against another State of the League.

Art. 13.

The Executive Committee decides by judgment, whether any duties towards the League have been violated, and if so, what coercive measures are to be taken.

Art. 14.

The means of coercion of the League are in particular:

- a) Imposition of an indemnity;
- b) Suspension of diplomatic relations by the other States;
- c) Economic pressure, above all prohibition of import or export in the other States of the League, differential treatment with respect to customs, restriction of economic activity or of legal protection for citizens of the State which has violated the duties towards the League, interruption of all traffic (passengers and goods) and stoppage of the postal and telegraphic communication;
- d) Embargo of vessels.

The cost of coercive measures is borne by the State condemned.

Art. 15.

All other means failing military measures may be decreed. The execution of these measures may be committed to the offended State severally or jointly with other States.

Art. 16.

The members of the Executive Committee decide with discretionary judicial powers according to the rules of International Law and the laws of humanity.

Art. 17.

The procedure has to follow the directions for the "Arbitration procedure" before the Permanent Court of Arbitration, with the understanding that a compromise is not required. Either party may demand Arbitration by summary procedure.

Art. 18.

The Executive Committee provides, that coercive measures are duly carried out. In particular its business is to take supplementary decisions as to the execution of the measures, including expenditure.

Art. 19.

If a third State is of opinion that it cannot undertake the execution of the coercive measures entrusted to it (Art. 15) without endangering vital interests of its own, it is entitled to appeal to the Executive Committee.

Art. 20.

If a State is attacked by another State or is directly menaced with an attack by military force, it is justified in defending itself in the name of the League. In the mean time the Permanent Committee of the League is to be informed of the protective measures intended, and will consequently summon the Executive Committee without delay.

The Executive Committee decides in the first place, whether a case of justified self-defence is in a question. If it denies the justice of the self-defence it has to prohibit it at once and to adjudge full reparation to the State injured. It has, moreover, to make due arrangements for the time until the Award is pronounced.

Art. 21.

If States of the League, by resorting to force gave reason for intervening to the League, the Permanent Committee has to make a provisory settlement which will remain in force pending the decision by the Executive Committee. The Executive Committee is to be formed instantly.

Art. 22.

The army and navy expenditure of the States of the League must not exceed an amount equal to 25% of their army and navy budget in 1909. The Congress of the League will determine and superintend the carrying out of this principle.

Art. 23.

The navigation of the seas, the channels and straits connecting the seas is indiscriminately free to all the States of the League.

No State of the League is allowed to treat vessels or cargoes of other States of the League differently from his own. In order to secure the observance of this principle International Commissions of Navigation are to be constituted at large ports possessing a mixed population.

Art. 24.

Every subject of a State of the League has the right of free transit on the roads and railway lines of all the States of the League with his own means of conveyance.

Art. 25.

The air is indiscriminately open to aerial navigation for all the States of the League.

Art. 26.

In each State of the League the citizens of all the other States of the League must be put on a footing of equality with the native subjects as to personal and domiciliary rights, freedom of public worship, legal protection, acquisition of real property, literary property, copyright, protection of trademarks, ingress and egress.

In no State of the League shall the citizens of the other States of the League be subject to higher rates and taxes, or other charges and imposts than the native subjects.

Art. 27.

In each State of the League the citizens of the other States of the League must enjoy equal treatment. This applies in particular to the right of settling, to the liberty of carrying on any trade, to rates and taxes and other charges and imposts, to the admission to the use of educational establishments and other institutions for the advancement of learning and civilisation.

Art. 28.

The States of the League grant each other reciprocal economic equality and undertake to keep up a friendly economic intercourse and to develop their traffic facilities in a manner beneficial to all.

Art. 29.

The States of the League grant each other reciprocally the most-favoured-nation treatment with respect to commercial tariffs, to the effect that any preference granted to another State of the League or to a State not adhering to it is due to all the other States of the League unconditionally and unreservedly.

Art. 30.

All measures prohibiting or restricting the importation or transit of goods are prohibited. Prohibition of export is allowed only in the case of foodstuffs and forage. Such prohibition being decreed in dominions, colonies or protectorates it takes effect also in the mother-country.

Art. 31.

The stipulations of Arts. 23, 24, 25, 26, 27, 30 do not exclude police-regulations with respect to the maintenance of public safety, health and commercial intercourse.

Art. 32.

With respect to the Colonies and possessions, including Protectorates, of the States of the League, the following principles are to be observed:

1. The administration of the Colonies shall be dominated by the rules of equity and justice. It should meet the just claims of the natives and of the colonising people.

2. The colonising States will regard it their duty, to protect the natives, to raise their moral level and to improve their economic conditions. In particular the colonising States will take energetic measures for prevention of the slave trade and abolition of slavery. In addition to this they have to look after the health, educa-

tion, material welfare, security of the real property, of the natives, and to protect native labour. Further, they should provide against intemperance and the abuse of narcotics. Traffic in arms and ammunition must be regulated.

3. The religious communities recognised in the States of the League shall be warranted the free exercise of their religion and of their missionary work. The limits of activity of the several missionary societies may be fixed by the colonising State. The sanction of the League is required therefore.

4. In all colonial territories an armed force shall be kept only to the extent necessary for the maintenance of order. Colonial troops shall be employed exclusively for the protection of the colonies of each individual State.

5. In all colonies the trade of all nations is to enjoy absolute freedom. All flags shall have free access to the coast, the lagoons, and the rivers discharging there, with their basins, as well as to all inland-waters (rivers and lakes). Any differential treatment of vessels and cargoes is disallowed, in particular as regards all duties and imposts and the manner in which they are raised. Exceptions, especially monopolies of all kinds, require the sanction of the League.

6. No difference shall be made between citizens and foreigners as to the protection of their person and their property, the exercise of their trade or profession, the acquisition of movables and immovables, and the giving away of public contracts.

7. An International Colonial Office is to be established for the control and execution of the above stipulations.

8. In every colony agents of the League (Consuls of the League) will have to watch the proper observance of the above rules. The colonising State is bound to assist them in the free exercise of their functions. The consuls are entitled and obliged to give notice to the International Colonial Office whenever any of these stipulations be violated.

Art. 33.

The national minorities, viz. groups of individuals who are subjects of a State or have at least their permanent residence in its territory being of a foreign race, are to be protected by the League in the following manner:

a) All the States of the League are bound to grant the foreign minorities of their territory parliamentary representation in due proportion to their numbers. In districts where the said minority live in small groups dispersed among the majority of the population, a national cadastral system is to be applied for the purpose.

b) No individual belonging to the national minority shall be deprived of any political rights for that reason, or be injured in regard to his or her personal liberty, civil rights, property, economic activity or legal protection. Municipal bodies containing a foreign minority sufficiently strong in numbers, may establish and conduct education, public worship and administrative business in the language of that minority.

Art. 34.

The States of the League are liable to create in their respective countries a certain minimum of equivalent institutions for the protection of life and health as well as of the rights and personal liberty of the working population. An International Managing Committee (World's-Labour-Office) is to be established for the purpose of superintending and developing labour legislation.

Art. 35.

The States of the League will be prepared to take appropriate legislative and administrative measures against any attempt to breed ill-will amongst the several nations either orally, or by the press, or by pictures of a disparaging or defamatory character.

Art. 36.

The League of Nations undertakes to promote all endeavours to concentrate the common interests of nations and to forward the

further development of the existing international institutions and the creation of new ones especially in the domain of law and economy (such as the Postal-Union, the protection of copyrights regulations, concerning measures, weights and coinage, International Clearing). The existing Unions are to be brought under the control of the League of Nations as far as possible.

In fide

DR. THEODOR NIEMEYER.

Kiel, 28. I. 1919.

Cablegram Received^a

Washington.

Dated January 28, 1919.

Rec'd. 29th, 12:40 PM.

American Mission,
Paris.

Argentine Chargé d'Affaires has not given Department any cable from his Government on the subject. It is possible that Argentine Government decided not to send such a cable. Under date of January 27 4 PM, American Ambassador Buenos Aires telegraphed Department as follows: "In a conversation with the Minister for Foreign Affairs which I had this morning, he brought up again the subject of the League of Nations and says that he had instructed the Argentine Minister to France to take every opportunity to support President Wilson's project of the League of Nations. He stated that Argentina was ready to join such a League. Expressed his opinion that the views of Argentina and other American Republics in regard to such a League would be found more responsive of President Wilson's ideas than of the European entente powers. He further stated that his Government had certain views as to future international law which it desired to put forward relative to matters of contraband and blockade. It was evident, although he did not make the suggestion, that he was much interested in the proposals coming before the Peace Conference, and desired that Argentina be represented in any Congress where the proposal for a League of Free Nations was under discussion."

POLK, Acting.

a. See Diary, p. 97.

Memorandum by the Emir Feisal^a

The country from a line Alexandretta—Persia southward to the Indian Ocean is inhabited by “Arabs”—by which we mean people of closely related Semitic stocks, all speaking the one language, Arabic. The non-Arabic-speaking elements in this area do not, I believe, exceed one per cent. of the whole.

The aim of the Arab nationalist movements (of which my father became the leader in war after combined appeals from the Syrian and Mesopotamian branches) is to unite the Arabs eventually into one nation. As an old member of the Syrian Committee I commanded the Syrian revolt, and had under me Syrians, Mesopotamians, and Arabians.

We believe that our ideal of Arab unity in Asia is justified beyond need of argument. If argument is required, we would point to the general principles accepted by the Allies when the United States joined them, to our splendid past, to the tenacity with which our race has for 600 years resisted Turkish attempts to absorb us, and, in a lesser degree, to what we tried our best to do in this war as one of the Allies.

My father has a privileged place among Arabs, as their successful leader, and as the head of their greatest family, and as Sherif of Mecca. He is convinced of the ultimate triumph of the ideal of unity, if no attempt is made now to force it, by imposing an artificial political unity on the whole, or to hinder it, by dividing the area as spoils of war among great Powers.

The unity of the Arabs in Asia has been made more easy of late years, since the development of railways, telegraphs, and air-roads. In old days the area was too huge, and in parts necessarily too thinly peopled, to communicate common ideas readily.

The various provinces of Arab Asia—Syria, Irak, Jezireh,

a. See Diary, p. 97.

Hedjaz, Nejd, Yemen—are very different economically and socially, and it is impossible to constrain them into one frame of government.

We believe that Syria, an agricultural and industrial area thickly peopled with sedentary classes, is sufficiently advanced politically to manage her own internal affairs. We feel also that foreign technical advice and help will be a most valuable factor in our national growth. We are willing to pay for this help in cash; we cannot sacrifice for it any part of the freedom we have just won for ourselves by force of arms.

Jezireh and Irak are two huge provinces, made up of three civilised towns, divided by large wastes thinly peopled by semi-nomadic tribes. The world wishes to exploit Mesopotamia rapidly, and we therefore believe that the system of government there will have to be buttressed by the men and material resources of a great foreign Power. We ask, however, that the Government be Arab, in principle and spirit, the selective rather than the elective principle being necessarily followed in the neglected districts, until time makes the broader basis possible. The main duty of the Arab Government there would be to oversee the educational processes which are to advance the tribes to the moral level of the towns.

The Hedjaz is mainly a tribal area, and the government will remain, as in the past, suited to patriarchal conditions. We appreciate these better than Europe, and propose therefore to retain our complete independence there.

The Yemen and Nejd are not likely to submit their cases to the Peace Conference. They look after themselves, and adjust their own relations with the Hedjaz and elsewhere.

In Palestine the enormous majority of the people are Arabs. The Jews are very close to the Arabs in blood, and there is no conflict of character between the two races. In principles we are absolutely at one. Nevertheless, the Arabs cannot risk assuming the responsibility of holding level the scales in the clash of races and religions that have, in this one province, so often involved the world

in difficulties. They would wish for the effective super-position of a great trustee, so long as a representative local administration commended itself by actively promoting the material prosperity of the country.

In discussing our provinces in detail I do not lay claim to superior competence. The powers will, I hope, find better means to give fuller effect to the aims of our national movement. I came to Europe, on behalf of my father and the Arabs of Asia, to say that they are expecting the Powers at the Conference not to attach undue importance to superficial differences of condition, and not to consider them only from the low ground of existing European material interests and supposed spheres. They expect the powers to think of them as one potential people, jealous of their language and liberty, and ask that no step be taken inconsistent with the prospect of an eventual union of these areas under one sovereign government.

In laying stress on the difference in the social condition of our provinces, I do not wish to give the impression that there exists any real conflict of ideals, material interests, creeds, or character rendering our union impossible. The greatest obstacle we have to overcome is local ignorance, for which the Turkish Government is largely responsible.

In our opinion, if our independence be conceded and our local competence established, the natural influences of race, language, and interest will soon draw us together into one people; but for this the Great Powers will have to ensure us open internal frontiers, common railways and telegraphs, and uniform systems of education. To achieve this they must lay aside the thought of individual profits, and of their old jealousies. In a word, we ask you not to force your whole civilisation upon us, but to help us to pick out what serves us from your experience. In return we can offer you little but gratitude.

January 1st, 1919.

Territorial Claims of the Government of the Hedjaz^a

As representing my father, who, by request of Britain and France, led the Arab rebellion against the Turks, I have come to ask that the Arabic-speaking peoples of Asia, from the line Alexandretta-Diarbekr southward to the Indian Ocean, be recognised as independent sovereign peoples, under the guarantee of the League of Nations. The Hedjaz, which is already a sovereign State, and Aden, which is a British dependency, are excluded from the Arab demand.

The confirmation of the States already existing in the area, the adjustment of their boundaries with one another, with the Hedjaz, and with the British at Aden, and the formation of such new States as are required, and their boundaries, are matters for arrangement between us, after the wishes of their respective inhabitants have been ascertained.

Detailed suggestions on these smaller points will be put forward by my Government when the time comes.

I base my request on the principles enunciated by President Wilson (attached), and am confident that the Powers will attach more importance to the bodies and souls of the Arabic-speaking peoples than to their own material interests.

FEISAL.

January 29th, 1919.

a. See Diary, p. 97.

APPENDIX.

Second Point of President Wilson's Address at Mount Vernon of July 4th, 1918.

"The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantages of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery".

Resolutions in Reference to Mandatories^a

1. Having regard to the record of the German administration in the colonies formerly part of the German Empire, and to the menace which the possession by Germany of submarine bases in many parts of the world would necessarily constitute to the freedom and security of all nations, the Allied and Associated Powers are agreed that in no circumstances should any of the German colonies be restored to Germany.

2. For similar reasons, and more particularly because of the historic misgovernment by the Turks of subject peoples and the terrible massacres of Armenians and others in recent years, the Allied and Associated Powers are agreed that Armenia, Syria, Mesopotamia, Palestine and Arabia must be completely severed from the Turkish Empire. This is without prejudice to the settlement of other parts of the Turkish Empire.

3. The Allied and Associated Powers are agreed that advantage should be taken of the opportunity afforded by the necessity of disposing of these colonies and territories formerly belonging to Germany and Turkey which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, to apply to these territories the principle that the well being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in the constitution of the League of Nations.

4. After careful study they are satisfied that the best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can

a. See Diary, pp. 97-99.

best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the League of Nations.

5. The Allied and Associated Powers are of opinion that the character of the mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

6. They consider that certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

7. They further consider that other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, (and the prevention of the military training of the natives for other than police purposes, and the establishment of fortifications or military and naval bases,)^a and will also secure equal opportunities for the trade and commerce of other members of the League of Nations.

8. Finally they consider that there are territories, such as South-West Africa and certain of the Islands in the South Pacific, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory

a. At the suggestion of Sir Robert Borden the text in parentheses was changed so that it read "and the prevention of the establishment of fortifications or military and naval bases and of the military training of the natives for other than police purposes and the defence of territory." See *Diary*, p. 98.

state as integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory state shall render to the League of Nations an annual report in reference to the territory committed to its charge.

January 29th, 1919.



29 Jan 19

BRITISH DELEGATION,

PARIS.

Dear Mr Miller

I return your draft^b with a few red ink suggestions - mainly verbal. On re-reading it I am struck with the very ~~un~~artificial character of its drafting - the result, in part, of successive amalgamation. Before it can become an international document its form would naturally have to be

a. See Diary, p. 100.

b. For what is here called "your" (my) draft, see Document 239.

entirely re-cast. In particular, I should wish to see it begin with a statement of the general purposes & functions of the League such as was contained in the British draft convention. Further, it ~~now~~ in some form or another we must deal with Transit, Trade Equality, Arms traffic, Mandatories. Subject to these observations I am in agreement with the substance of the draft & think it should form the basis of our discussion with our Allies. In



BRITISH DELEGATION,

PARIS.

accordance with our understanding I
have expressed myself with unpolished
bluntness & feel sure you will not in
consequence think that I am guilty
of want of courtesy or respect for yourself.

Yours very sincerely

Robert Cecil

I have tried an appeal suggestion
as you will see.

DOCUMENT 254**Notations Made by Lord Robert Cecil on the Copy of Document 239
Returned in His Letter Dated January 29th, 1919^a**

The notations made by Lord Robert Cecil on the copy of Document 239 were in part suggestions of changes in the language and in part marginal notes. It seems to me simpler to list these rather than to reproduce the entire document. The references are, of course, to Document 239.

The changes in the language suggested were as follows:

1. Change Article I, first paragraph, second sentence, so as to read:

"The H.C.P. may appoint representatives at the Capitol of the League and the Body of Delegates shall normally consist of such Representatives."

2. In Article I, third paragraph, first sentence, insert the word "Executive" before the word "Council".

3. In Article I, third paragraph, add to the paragraph the following words "who shall be nominated by the State for that purpose".

4. In Article II, second paragraph, strike out the word "jurisdiction" and insert the words "sphere of action".

5. In Article II, fifth paragraph, strike out the words "upon the recommendation of the Executive Council".

6. In Article II-a, strike out the seventh paragraph, commencing "Each of the H.C.P."

7. In Article II-a, last paragraph, insert the word "Newfoundland" after the word "Canada" and insert the word "separately" before the word "represented".

8. In Article V, first paragraph, first sentence, strike out

a. See Diary, p. 100. For the letter of Cecil, see Document 253.

the word "of" and insert the word "or" (before the words "the Body of Delegates").

9. In Article V, first paragraph, strike out the word "decision" (twice) and insert in each case the word "recommendation".

10. In Article V, second paragraph, strike out the words "be with regard" and insert the word "relate"; also, strike out the words "to submit" and insert the words "they will submit"; also, strike out the words "to carry out" and insert the words "will carry out".

11. In Article V, sixth paragraph, strike out the words "to the H.C.P."

The marginal notes made by Lord Robert Cecil were as follows:—

Note to Article II, fifth paragraph.	"What are the direct powers referred to?"
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Note to Article II-b.	"This should be supplementary to what is done by the Conference."
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Note to Article III, second and third paragraphs.	"This should be confined to territorial changes, otherwise it will be too vague."
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Note to Article IV, second and third paragraphs.	"Suspend pending report of Armaments Commission."
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Note to Supplementary Agreement IV, second paragraph.	"I fear this will cause great indignation amongst the smaller states without any corresponding advantage."
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Note to Supplementary Agreement V.	"To be agreed with Labour Commission."
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DOCUMENT 255**Lord Robert Cecil's Suggestion**

This is my^a suggestion for the reserved fourth and fifth paragraphs of Article V.^b

The decision of the Tribunal of Arbitrators shall be finally binding and conclusive, unless within months any of the parties to the dispute appeals to the Permanent Court of International Justice.

The Permanent Court of International Justice shall have its seat at the Capital of the League, and shall be constituted in the following manner:—

Five persons of high judicial standing and known competency in international law shall be nominated by France, Great Britain, Italy, Japan and the United States respectively.

These five judges shall elect four other persons of high judicial standing and known competency in international law, from among persons nominated by the other states members of the League of Nations.

These nine judges together shall constitute the Permanent Court of International Justice. They shall hold office for nine years, and may be re-appointed.

In case of any vacancy occurring in the Court, the remaining members of the Court shall elect the judge who is to fill it, except in the case of a judge appointed by one of the Great Powers. In that case the said Great Power shall appoint the judge who is to fill the vacancy.

No judge in the Permanent Court shall be removable except by the unanimous recommendation of all his colleagues.

a. *i. e.*, Lord Robert Cecil. This was an enclosure to his letter of January 29th (Document 253). See Diary, p. 100.

b. The reference is to Document 239.

The Permanent Court shall be constituted in the above manner until such time as the States members of the League of Nations agree on some other method of appointing its members.

In the event of an Appeal to the Permanent Court, the arbitrators originally nominated by the parties to the dispute shall become *ad hoc* members of the Permanent Court.

The decision of the Permanent Court shall be finally binding and conclusive without right of appeal.

The decisions of the Permanent Court shall be binding precedents both for itself and for any tribunal of arbitration set up under paragraph ii.

Notes on a Permanent Court^a

1. Besides serving as a Court of Appeal in major International disputes, a Permanent Court might fulfil the following functions:—

a. It might act as a Court of 1st Instance in disputes arising within the Administrative Unions:

e. g. It would substitute the provisions for arbitration now contained in the Universal Postal Union, in the International Railway Convention, etc.

b. It would serve as a Court of Appeal for the enforcement of the following Conventions:

Arms Traffic.

Equality of Trade Conditions.

Transit.

International Labour Legislation.

Mandate Treaties (prohibited practices).

The first 4 of these conventions are drafted on the assumption that there will be a permanent Court. Out of all of them there are certain to arise a considerable number of disputes, some of which will involve large and important interests.

c. It might act as a Court of Appeal for all the minor International Courts that will be set up:

e. g. Danube Commission Court
Sanitary Convention—Consular
Commissions etc.

Possibly similar Courts may be set up for the Kiel Canal, the Vistula, etc.

d. It might act as a Court of Summary Procedure, in minor or highly technical cases, or in claims for damages,

a. Author, Lord Robert Cecil. See Diary, p. 100 and the letter of Cecil of January 29th (Document 253) to which this was an enclosure. See also Document 255.

which States do not wish to submit to the elaborate machinery of Article V. This might be of great practical use.

It seems probable therefore that in normal times the Permanent Court would have work to do. And almost certainly there will be a great many cases arising out of the Peace Settlement for which an International Court will be required. This was the case after the Congress of Vienna; and if it so happened now, the Permanent Court might very quickly establish for itself an extremely important and valuable position.

2. The difficulty in establishing a Permanent Court lies exclusively in the method of choosing its members. It is objected that it adds contentious matter to the general proposal for a League, and *pro tanto* will damage the League's chances of coming into existence.

This would be true if the small States maintained the attitude they adopted in 1907. They wrecked the plan for a Permanent Court then: but their ground of opposition was a plea of equality of rights which not only is theoretically preposterous, but which is entirely incompatible with the conception of a League of Nations. If they enter the League at all, they must and will abandon the doctrines of Barbosa. There is therefore reason for thinking that they might accept the scheme proposed as at least a temporary solution of the problem of constituting the Permanent Court.

3. Prof. Pollard says that "it was the suppression of private war that fostered recourse to law."

In an exactly similar way, the proposals of the Draft Convention for a League of Nations would foster recourse to international law. The moratorium, by forbidding war for a fixed period, would tend to produce this result; the provision compelling publicity as to the nature and grounds of all disputes would do so even more. States will not withdraw from arbitration issues which ought to go there, when they have the certainty of publicity before them.

But the supremacy of the law in England was only rapidly established after the Wars of the Roses, because there were already Courts of law in existence. At present there is no international Court. Only if a true Permanent Court is established will recourse to international law under the League become the normal procedure of disputes. A permanent Court is the necessary basis of all legal development in international relations.

4. The highest legal authorities believe that a Permanent Court is perfectly feasible, and that it would administer justice with complete impartiality. This is the opinion of Westlake, Pollock, Vinogradoff, Geldart, Oppenheim. If it proved to be right, it would remove the chief ground of objection to arbitration in the past.

DOCUMENT 257**Copy of Telegram Sent to Washington by the American Embassy,
Paris^a**

Paris

January 27, 1919.

Secretary of State,
Washington.

Mr. Whitlock telegraphed the American Mission as follows under the date of January seventeenth: Probably from French sources the Belgian Government has been given to understand that the reduction in its representation at the Peace Conference is due to American intrusiveness. I respectfully request to be authorized to so state to the Belgium Government, if this is not true. End of Quotation. The Mission replied by the following telegram on the eighteenth. Quote. The report is absolutely untrue. Yesterday's decision to increase number of Belgian Delegates to three men was most satisfactory to the American Representatives, on the contrary. End of quote.

BLISS.

a. See Diary, p. 100.

DOCUMENT 258**Telegram Received^a**

Berne,

Dated January 29th, 1919,

Rec'd 30th, 10:30 a. m.

American Mission,
Paris.

January 29th, 5:40

His Excellency Robert Lansing, Secretary of State,

Hungarian Red Cross Mission which identical interests permitting also cooperates with Austrian Red Cross Mission headed by Slatin Pascha respectfully appeal for your kind intervention. 400,000 Hungarian and Austrian war prisoners, forsaken in Siberia and Turkestan, are suffering indescribably. Permission urgently requested for two or more Hungarian Delegates to go to Vladivostok arranging en route in America and Japan everything necessary for their immediate succour and repatriation. No point of international law is here raised, appeal being made on humanitarian grounds as, if immediate help be not granted, major portion these unfortunates will perish miserably and unnecessarily. Also expediency dictates that they be removed at earliest opportunity from dangerous Bolshevik contamination. Tonnage lack recognized but believe it possible to arrange that question to satisfaction of everyone. Beg finally that if President Wilson's plan of Prince's Island Conference realized, interests of these Hungarian and Austrian prisoners be remembered. Immediate steps necessary, situation being desperate.

ERNEST LUDWIG,
Consul General, Bernerhof, Berne.

a. See Diary, p. 100.

Telegram Received^a

Berne,

Dated January 28th, 1919.

Rec'd. 30th, 10:30 AM.

American Mission,
Paris.

January 29th, 5:30 PM.

Mr. Robert Lansing, Secretary of State.

The Austrian Red Cross Mission aid of prisoners at Berne with which a Hungarian Red Cross Mission is cooperating, venture to beg you to use your influence that permission be given to send some Austrian and Hungarian Delegates to Siberia, and Turkestan. The object is to bring the Austrian and Hungarian war prisoners monetary help and assistance as proof that they are not forgotten by their own and to make necessary arrangements for their repatriation when time has come. It is an eminent humanitarian question to comfort mind and body of many hundred thousands of prisoners of war and quieting their wives and parents at home who are practically without news of them. I hope you will consider my request as just and urgent and consent to it for the sake of the families of those unfortunates who are mostly over four years in Siberia and Turkestan under very trying circumstances. I would be very grateful if in case that there would be any meeting with Russian representatives, your delegates would advocate for a better treatment of those poor Austrian and Hungarian prisoners in above mentioned regions.

SLATIN,

Austrian Red Cross War Prisoner Aid, Berne.

a. See Diary, p. 100.

DOCUMENT 260**Telegram Received^a**

Rome,

Dated January 29th, 1919.

Rec'd. 30th, 7:30 A. M.

American Mission,
Paris.

Confidential. I learn that Garrara Italian Minister at Havana who demanded release of Irridenti members of crews of Austrian ships interned there, in terms which Cuban Government considered very insulting, sent another note saying that unless these people were released within an hour he would consider that Cuba had declared war against Italy. He will probably be recalled immediately though Foreign Office here appears reluctant to act in the absence of Sonnino.

NELSON PAGE.

a. See Diary, p. 100.

Redraft of Resolution of January 23, 1919^a

The Conference, in order that the Committee appointed to work out the details of the constitution and functions of a League of Nations may be guided in the consideration and preparation of its report, makes the following declarations:

That it is a fundamental principle of international peace that all nations are equal in the rights of undisturbed possession of their respective territories, of independent exercise of their respective sovereignties, and of free use of the high seas as the common property of all peoples;

That the members of the League of Nations should by mutual covenants undertake—

- (1) To refrain from invading and to protect from invasion the sovereign rights and territories of one another;

a. Author, Robert Lansing. See Diary, p. 100. I suppose that this is the draft sent to the President by Mr. Lansing on January 31st. (Lansing, *The Peace Negotiations*, p. 117.) It is *very* interesting to note that Mr. Lansing does not print the text of *this* draft, but only of an earlier draft, which was completed on January 22nd (*op. cit.*, p. 116) and "discussed with the other Commissioners" (*op. cit.*, p. 117).

Mr. Lansing speaks of the differences between the draft of January 22nd (which he prints) and the draft sent to the President on January 21st (which he does not print and which I do) as being

"Some changes of a more or less minor character which it seemed admissible to make because of the appointment of a Commission on the League of Nations at a plenary session of the Conference on January 25th, of which Commission President Wilson and Colonel House were the American members" (*op. cit.*, p. 117).

Why does not Mr. Lansing print the text of the draft *which he sent to President Wilson*?

If, as I think, the Document here printed is that draft, the reason for its not being printed by Mr. Lansing is obvious. Compare the language of the "Mutual Covenant" numbered (1) in Mr. Lansing's book (p. 116)

"To safeguard from invasion the sovereign rights of one another" with the language here:

"To refrain from invading and to *protect from invasion* the sovereign rights and territories of one another." (Italics mine.)

This is language which goes farther, much farther than Article 10, which Mr. Lansing criticizes, and is a complete reversal of Mr. Lansing's position in favor of a "self-denying covenant" on which he so much insists (*e. g.*, *op. cit.*, p. 123).

Why did Mr. Lansing in his book print neither this draft nor his covering letter to President Wilson? (*op. cit.*, p. 118.)

- (2) To submit to international arbitration all disputes of a justiciable nature which have failed of diplomatic settlement;
- (3) To submit to investigation by the League of Nations all other disputes which have failed of diplomatic settlement;
- (4) To refrain from hostile acts or the employment of force pending the arbitration or investigation of a dispute;
- (5) To abide in good faith by an arbitral award and to respect a report by the League of Nations upon a dispute submitted to it for investigation;

That the League of Nations should have authority to appoint mandatories and to empower them to exercise, under such conditions as it may deem just, sovereign rights over the territories which were formerly the colonial possessions of Germany and also over such new states erected by the Treaty of Peace as are declared to be international protectorates, it being understood that the interests and wishes of the inhabitants of the territories affected are primarily to be considered in the selection of mandatories and the provisions of the mandates issued, and that in the case of new states the mandates shall provide for the gradual assumption of complete independence.

That the League of Nations should be charged with the consideration and formulation of a plan for a general reduction of national armaments on land and sea and in the air, including therein restrictions upon compulsory military service and upon the manufacture and sale of arms and munitions of war.

Letter to Lord Robert Cecil^a

31 January, 1919.

Dear Lord Robert:

I have received your note of January 29th,^b with the papers mentioned, which I shall attentively examine.

I am grateful to you for speaking with that frankness which it seems to me you rather harshly characterize as bluntness; and it would be the farthest from my thoughts that you had or could fail either in courtesy or in consideration.

Very sincerely yours,

DAVID HUNTER MILLER.

The Right Honorable Lord Robert Cecil,
Hotel Majestic,
Paris.

a. See Diary, p. 101.

b. Document 253. See Diary, p. 100, note a.

La Question du Banat^a

La tâche d'exposer les droits de la Roumanie sur le Banat nous est rendue facile par le fait que nos trois grands Alliés européens ont déjà examiné cette question lors des discussions approfondies qui ont précédé le traité d'alliance du 17 août 1916, et que ce traité, qu'ils ont signé, reconnaît le bien-fondé de nos revendications.

Nous avons toute confiance dans le concours que les puissances signataires du traité nous apporteront pour démontrer notre bon droit aux deux grandes puissances non-européennes qui n'ont pas participé en 1916 à l'examen de la question, et qui peuvent ne pas connaître les principes de nos revendications.

Ces revendications sont dominées par le principe ethnique. C'est en vertu de ce principe, au nom de notre droit à l'unité nationale, que nous les avons formulé.

Mais ce principe doit s'accorder avec les autres nécessités de la vie des peuples, qu'on ne saurait concevoir indépendante des conditions territoriales où les peuples sont appelés à se développer.

L'établissement de cet accord doit être la préoccupation de ceux qui veulent assurer l'avenir de l'Orient de l'Europe. C'est à cette préoccupation que répondent nos revendications dans la question du Banat.

LA QUESTION DU BANAT DE TEMESHVAR

Il ne peut venir à l'esprit de personne de contester à la Roumanie le droit de revendiquer l'union politique d'un territoire où les Roumains vivent depuis de longs siècles et où ils sont au nombre de 600.000 auprès de moins de 400.000 Allemands, colons venus depuis le XVIIIème siècle, et d'un peu plus de 300.000 Serbes, im-

a. Roumanian claim. See Diary, p. 101.

migrés au XVème et surtout au XVIIIème siècle, pour ne parler que des éléments ethniques les plus importants.

Mais l'on a imaginé de distinguer dans le Banat entre les régions où la population roumaine a la majorité absolue et celles où elle n'a qu'une majorité relative ou seulement une minorité importante; l'on a pensé qu'il serait possible de tracer à travers la plaine du Banat une frontière d'Etat entre les Roumains à l'Est qui seraient rattachés au Royaume de Roumanie, et les non-Roumains à l'Ouest qui deviendraient sujets de l'Etat Serbe: Le Gouvernement Roumain estime que c'est là une erreur dangereuse.

Le Banat n'est pas une expression géographique, c'est une réalité, une véritable région géographique et aussi une véritable province politique formant un tout complet et indivisible aujourd'hui comme de tout temps dans l'histoire. Si bien qu'il est difficile de concevoir qu'un Etat puisse demander ou accepter la possession d'une partie seulement de ce pays, et plus difficile encore d'espérer que, possesseur de cette partie, il saurait se soustraire à la nécessité de revendiquer bientôt le pays tout entier.

Les cours d'eau qui entourent le Banat sur trois côtés (Muresh, Theiss, Danube) forment une frontière naturelle qui entoure une région de plaines à l'Ouest et une région de montagnes à l'Est, étroitement liées entre elles. C'est la plaine du Banat qui donne aux habitants des montagnes l'alimentation nécessaire; ce sont les montagnards qui font descendre vers les habitants de la plaine leurs richesses forestières et minérales. Les plaines riches et relativement moins peuplées trouvent dans l'excédent de la population plus pauvre des montagnes les ressources de main-d'œuvre et de peuplement indispensable: la plaine et la montagne ne peuvent vivre ici l'une sans l'autre.

Tous les réseaux des voies de communication par terre, par fer ou par eau sont organisés dans le Banat pour l'ensemble de la province, et l'établissement d'une frontière d'Etat qui les couperait en deux aboutirait à rendre inutiles tous les efforts faits depuis le

XVIIIème siècle dans cette région pour établir les communications indispensables à la vie économique du pays.

Les rivières navigables et les canaux de la plaine conduisent à la Theiss et au Danube les lourds produits des montagnes de l'Est; le partage du Banat laisserait aux Roumains le cours supérieur des rivières, aux Serbes le cours inférieur et les canaux; on aboutirait ainsi à ruiner les avantages mêmes de la situation du Banat entre ses trois cours d'eau, en coupant pour toute une partie du pays le libre accès au Danube et à la Theiss.

La Transylvanie elle-même, dont le Muresh est la seule grande voie d'eau traversant le pays et pénétrant jusqu'au coeur de ses montagnes, serait privée d'un de ses débouchés les plus nécessaires; les produits de ses forêts et de ses mines doivent normalement arriver au Danube et de là à la mer en descendant le cours du Muresh et de la Theiss. Une frontière serbo-roumaine entraverait leur course à partir du bas Muresh.

Il ne servirait de rien d'affirmer solennellement et même de garantir en fait la liberté de navigation sur toutes les voies, fleuves, rivières, canaux. La navigation a besoin d'autre chose encore: d'organisation technique, d'entrepôts, d'installations mécaniques, commerciales, industrielles, pour conserver, manutentionner, répartir, ouvrir ou transformer les produits aux points et dans les conditions les plus avantageuses.

Tous ces secours, le commerce fluvial de la Transylvanie et du Banat les trouverait naturellement sur une rive roumaine de la Theiss et du Danube; il serait vain de les attendre de la bonne volonté d'un Etat étranger pour les produits d'un autre Etat.

Mais si l'on voulait malgré tout couper en deux le Banat par une frontière que l'on croirait ethnographique, il serait impossible de le faire sans violer de toutes parts la nécessaire équité.

Même dans la région où les Serbes sont en nombre, des groupes roumains importants sont mêlés parmi eux, et aussi des colonies germaniques qui ne peuvent être rattachées politiquement à aucun

Etat de même nationalité, mais qu'il n'y a aucune raison de réunir à la Serbie, et qui ne pourraient en tout cas être toutes réunies à cet Etat à cause de leur répartition sur tout le centre du Banat: Ces Allemands (Souabes), le jour où ils seront libres d'exprimer publiquement leur volonté déjà certaine, refuseront d'ailleurs de laisser amoindrir leur masse nationale par un partage entre la Serbie et la Roumanie et ils se rallieront à ce dernier Etat.

Le mélange de ces diverses nationalités dans l'Ouest du Banat est tel que pour détacher de la Roumanie les 200.000 Serbes qui se trouvent dans cette région, il faudrait annexer du même coup à la Serbie un nombre double de non-Serbes, Allemands, Magyars et Roumains. Et l'on aurait ainsi créé de nouveaux irredentismes.

Peut-être fera-t-on encore valoir, pour ôter aux Roumains au moins le Sud-Ouest du Banat, la nécessité de laisser devant Belgrade une zone de protection. Les leçons de la dernière année de la guerre ont pu singulièrement diminuer la croyance à l'utilité de cette protection et la valeur de l'argument qu'on en tirait.

D'ailleurs, la Roumanie y a déjà répondu en 1916 en insérant dans son accord avec les Puissances Alliés l'engagement de laisser sans travaux militaires et sans garnison toute une zone en face de la capitale actuelle de la Serbie.

C'est là une garantie suffisante au point de vue défensif. Au contraire, l'établissement sur la rive gauche du Danube d'une zone de protection ayant le caractère d'une possession politique et militaire serbe constituerait une véritable tête de pont, c'est-à-dire une organisation militaire moins défensive qu'offensive.

Depuis que l'Etat Serbe et l'Etat Roumain vivent en contact sur le Danube, l'histoire fournit les preuves de leurs nombreuses relations de commerce et de civilisation; elle n'a jamais enregistré entre eux un conflit: la volonté pacifique des deux peuples a trouvé une aide précieuse dans la frontière nette et certaine que le Danube établissait entre eux, frontière naturelle, frontière d'intérêts.

Le Gouvernement Roumain est si bien convaincu de cette im-

portance du Danube comme frontière pacifique qu'il s'est toujours interdit de jeter les yeux au-delà de ce fleuve et de songer à la possibilité de réunir à la Roumanie nord-danubienne les nombreux roumains établis en Serbie entre les vallées du Timok et de la Morava.

Il croit en effet que le Danube une fois franchi, une tête de pont une fois établie sur l'autre rive, des extensions territoriales de plus en plus grandes dans cette direction s'imposeraient chaque jour davantage comme une nécessité politique et économique. Les conflits surgiraient alors sans nombre, et sans solution pacifique possible, autour de frontières plus ou moins conventionnelles. Il n'est pas douteux que ces conflits, que la Roumanie s'est refusée à faire naître sur la rive droite du Danube, ne manqueraient pas de se produire sur la rive gauche, autour d'une frontière aussi incertaine et aussi inéquitable que celle, quelle qu'elle soit, qu'on tracerait à travers les plaines du Banat.

Ainsi, en faisant franchir à la Serbie la frontière du Danube pour assurer à cet Etat une prétendue limite ethnographique, en espérant trouver dans ces concessions une garantie pour l'organisation de la paix des peuples, on n'aurait abouti qu'à la désorganisation économique, à l'arrêt du développement de toute une région et à la certitude de conflits.

Il est à peine besoin de dire que la Roumanie assurera aux Serbes qui resteront établis sur son territoire, tous les droits et garanties qui seront assurés d'autre part aux Roumains sujets de l'Etat Serbe conformément aux principes que la Ligue des Nations proclamera pour toutes les minorités.

Tels étaient, dans leurs grandes lignes, les arguments présentés par la Roumanie pour faire reconnaître le bien-fondé de ses revendications sur le Banat, avant la guerre.

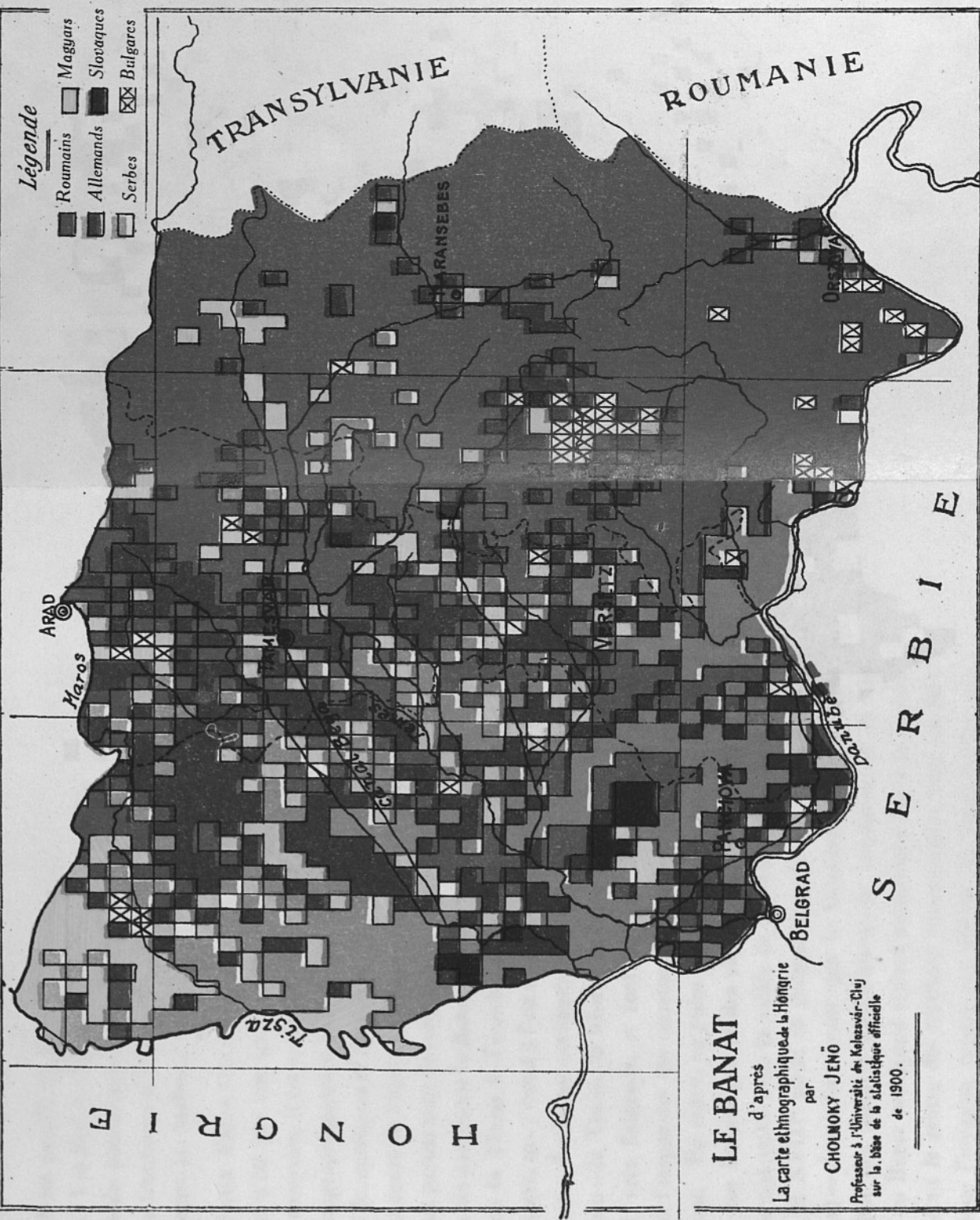
Le rôle de la Roumanie dans la guerre ne saurait avoir d'autre effet que de confirmer ces droits.

Pour comprendre quel a été ce rôle, il suffit, sans retracer les conditions dans lesquelles l'action militaire de la Roumanie a été

appelée à s'engager et à se développer, de se souvenir que les pertes de l'armée roumaine seule, abstraction faite des pertes plus considérables encore de la population civile, ont atteint 335.000 hommes, et de lire sur la carte ci-annexée les preuves de l'influence qu'a eu l'action militaire roumaine sur la conduite générale de la guerre.

Légende

- Roumains
- Magyars
- Allemands
- Slovaques
- Serbes
- Bulgares



LE BANAT

d'après
La carte ethnographique de la Hongrie
par

CHOLNOKY JENŐ

Professeur à l'Université de Kolozsvár-Ciuj
sur la base de la statistique officielle
de 1900.

Délimitation entre les Serbes et les Roumains dans le Banat^a

Le Banat est peuplé de Serbès, de Hongrois, de Roumains et d'Allemands. Les Serbes sont indigènes; les autres nationalités sont venues s'y établir postérieurement en qualité de colons.

A l'est, la frontière est à tracer entre les Serbes et les Roumains, et au Nord, entre les Serbes et les Hongrois.

PRINCIPAUX FAITS GÉOGRAPHIQUES ET ÉCONOMIQUES.

Le Banat n'est pas une unité ethnique, géographique et économique. Au contraire, il est composé de deux parties, géographiquement et ethnographiquement indépendantes l'une de l'autre, avec des relations économiques et des communications différentes, qui ont représenté au cours de l'histoire, des unités historiques spéciales; en outre, ces deux parties sont de composition ethnographique différente.

L'une de ces parties est le *Banat occidental* ou la plaine du Banat qui s'étend de la Theiss à Témichvar, Verchatz et Bela Tzrkva, tandis que l'autre, qui s'étend à l'est de ces villes, est le *Banat oriental* ou montagneux. Le Banat occidental est caractérisé par le fait que ses cours d'eau—la Theiss, le Moris, la Nera et le Karas—convergent au Sud, vers Belgrade, et font de cette ville le centre de la navigation et l'emporium qui commande tous les courants commerciaux du Banat. En outre, au point de vue morphologique, surtout au point de vue économique et des communications, le Banat occidental forme une unité avec la vallée de la Morava et du Vardar. Aux XVII^e et XVIII^e siècle et presque jusqu'à nos jours (il y a quarante ans)—c'est-à-dire avant que le Gouvernement hongrois n'eût introduit des mesures prohibitives—le commerce et la vie économique du Banat occidental étaient intimement liés à la Serbie. Témichvar était le centre des relations commerciales avec les Balkans. Lorsque l'invasion turque eut détruit les États serbes des Balkans, il fut tout à fait naturel que la civilisation serbe se soit

a. Claim of the Serbs. See Diary, p. 101.

continué sur le territoire du Banat, au Nord de la vallée de la Morava. Du XVI^e au XVIII^e siècle, le Banat occidental s'appelait simplement la Serbie—Rascie—parce que c'est là que la vie et la conscience nationales serbes furent les plus intenses. Jamais le Banat occidental n'a eu de relations intimes avec la Roumanie dont il est séparé par la barrière montagneuse des Carpathes.

Les pays balkaniques qui appartiennent à notre État (Bosnie-Herzégovine, Monténégro, Dalmatie, Carniole et Istrie), ainsi qu'une grande partie de la Serbie méridionale, sont des pays montagneux, faibles producteurs de blé, qui auront un besoin pressant du blé du Banat. La Roumanie, étant un des greniers les plus riches de l'Europe, n'a aucun besoin de l'acquisition d'une nouvelle province agricole.

Etant la continuation de la vallée de la Morava, le Banat occidental constitue une zone territoriale protégeant la frontière septentrionale de la Serbie qui est tout à fait ouverte—zone couvrant l'entrée de la vallée de la Morava qui, dans les temps historiques, aussi bien que dans la dernière guerre, a toujours représenté une porte ouverte à l'ennemi; enfin, cette région, seule, protège Belgrade, capitale du Royaume des Serbes, Croates et Slovènes, qui resterait sans elle complètement exposée à l'ennemi dès le premier jour de l'agression, comme ce fut le cas lors de la dernière guerre.

Tandis que le Banat occidental, à lui seul, forme une unité géographique et ethnographique liée à la Serbie septentrionale, tandis que sa population roumaine est toujours restée sans importance numérique, ne jouant aucun rôle dans la civilisation roumaine, le Banat oriental, le Comitat de Kraso-Szörény, au contraire, a toujours formé une unité ethnographique, historique et économique avec la Transylvanie. Bien que cette partie orientale du Banat contienne certains éléments serbes, nous n'élevons pas de prétentions sur elle.

REVUE HISTORIQUE

La Période la Plus Ancienne

Suivant les données de l'histoire, le Banat était habité aux temps

anciens par les Daces. Puisque les colons romains se retirèrent devant les Goths de la Dacie sur la rive droite du Danube, on doit chercher le berceau de la nation roumaine sur la rive droite du Danube. Donc, les Roumains ne sont pas autochtones dans le Banat.

Le premier établissement des Slaves dans ces régions est mentionné au début du IV^e siècle, immédiatement après le démembrement de l'État des Huns. Au VI^e siècle, les Slaves peuplant ces régions tombèrent sous la domination des Avars, et au IX^e siècle, sous celle des Francs. Lorsque les Hongrois parvinrent dans ces régions, ils y trouvèrent comme indigènes les Slaves qui, suivant l'historien hongrois Szentkláray, étaient en relations suivies avec les Slaves des Balkans. Aux X^e et XI^e siècles, les Slaves tombèrent sous la domination des Hongrois; sous la dynastie des Arpads, la population serbe de ces contrées joua un rôle important: elle prit part comme armée autonome dans le conflit entre la Hongrie et la Bohême au XIII^e siècle, et posséda à la cour sa propre noblesse.

Migrations Serbes

Après la bataille de Kossovo, le Banat reçut une nouvelle population de Serbes des Balkans.

En 1414, le roi de Hongrie accorda à Stévan Lazarévitch, "despote" serbe, le titre de Gouverneur de la "joupania" de Torontal. Djordjé Brankovitch, "despote" serbe, agrandit les domaines des "despotes" serbes dans les "joupanias" de Tamis et de Krasso où il exerçait le pouvoir souverain. Après l'effondrement de la Serbie en 1459, l'émigration s'accrût dans de telles proportions que le roi Mathias pouvait écrire au Pape (le 12 Janvier 1483) qu'au cours des quatre dernières années environ 200.000 Serbes étaient passés en Hongrie. Sur la rive gauche du Danube se forma donc une Serbie nouvelle où se concentra la vie politique des Serbes. Le petit-fils du "despote" Brankovitch, Zmaï Vouk, est nommé "despote" serbe en 1471 par le roi de Hongrie, avec des droits autonomes particuliers: il ne dépend que du seul roi de Hongrie.

En cas de guerre le "despote" serbe était tenu de fournir un "*banderium*" de 1000 cavaliers, tandis que le reste de la noblesse, même le Ban de Croatie, n'en fournissait pas plus de 400 ("Despotus autem equites mille dare tenebitur" /Corpus juris hungarici, p. 492, 606/).

En général, jusqu'à la bataille de Mohacz, en 1526, les "despotes" et la noblesse serbes jouèrent en Hongrie un rôle politique important. Les Hongrois se retirant de plus en plus au Nord, devant l'avance turque, la population du Banat occidental et central devint beaucoup plus dense et le pays prit un caractère entièrement serbe. Sur les cartes du XVI^e (Lazius) et du XVII^e siècle (Tserning, Cluverius) on appelle le Banat central et occidental Rascia, c'est-à-dire le pays serbe. Nulle part on ne trouve trace de Roumains.

L'Unité Historique et Administrative du Banat N'Existe Pas

Les Roumains assurent que le Banat a toujours formé une unité historique et administrative. Cette affirmation manque de justesse. D'abord, la partie Est du Banat, c'est-à-dire le Comitatus de Krasso-Szörény, a formé avec la Petite-Valachie jusqu'à la rivière d'Olt, une unité militaire et administrative, sorte de "Marche," appelée le Banat de Severin. Cette division entre le Banat de l'Est et celui de l'Ouest et du Centre s'est maintenue pendant l'époque turque. Les Turcs formèrent, en 1552, du Banat central et occidental, le vilayet de Témichvar, tandis que le Comitatus de Krasso-Szörény actuel fut constitué en "Banat de Karansebech et de Lougock" dont le Ban gouvernait au nom du Prince de Transylvanie, avec résidence à Karansebech. Pendant l'époque autrichienne, le Nord du Banat reçut en 1751 une administration civile, tandis que le Banat méridional devint, entre 1768 et 1773, les Confins militaires. En 1774, on constitua avec le Comitatus de Torontal d'aujourd'hui, le district autonome serbe de Velika Kikinda. La division actuelle, en trois Comitatus, ne date que de 1873 et de 1874, lorsque furent abolis les Confins militaires et le district autonome de Kikinda. On

peut voir par là que l'unité du Banat n'a jamais existé et que la partie de l'Est était toujours étroitement liée à la Transylvanie.

L'Eglise et les Privilèges Serbes

Les territoires du Banat, de la Batchka et de la Baranya comprennent huit diocèses avec 21 monastères, dont onze grands et six petits se trouvent dans le seul Banat; tous ces monastères dépendaient du Patriarcat Serbe de Petch (Ipek), et tous ont été érigés par les "despotes" ou les nobles serbes.⁽¹⁾

Lorsqu'en 1683 les Turcs marchèrent de nouveau sur Vienne, un noble serbe, Djordjé Brankovitch, apparut, ayant pour but la libération et l'union de tous les pays de la Hongrie méridionale et des Balkans, et la formation d'une Grande-Serbie qui s'étendrait de Triglav jusqu'aux Rhodopes.

Léopold 1^{er}, poussé par la nécessité, accepta en apparence cette idée et nomma immédiatement Brankovitch "despote" du Banat, de la Syrmie et de l'Herzégovine. Le soulèvement fut couronné de succès, les Turcs rejetés de l'autre côté du Danube; mais l'Autriche ne permit pas la réalisation des plans de Brankovitch: elle l'emprisonna en 1689, le jeta dans les cachots de Heb (Eger), où il mourut en 1711.

Ensuite, pendant sa guerre avec la France, et pour se garantir des Turcs, l'Autriche invita le Patriarche Arsénié III à fomenter un soulèvement contre les Turcs, promettant aux Serbes, dans un appel qu'elle leur adressa le 6 Avril 1690, la libre élection de leur "Voïvode" et le droit de se gouverner librement selon leur propre volonté (*Servata imprimis religionis suae eligendique voivode libertate*. Privilège du 6 Avril 1690).

Le 21 Août, la chancellerie impériale proclama les privilèges qui formaient la base de l'autonomie religieuse et politique des Serbes du Banat et des autres régions. (*Volumus ut sub directione et dispositione proprii magistratus eadem gens Rasciana perseverare et antiquis privilegiis ejusque consuetudinibus imperturbate frui*

(1) L'Eglise roumaine, cependant, dépendait du Patriarcat de Constantinople et comprenait la Moldavie, la Valachie et la Hongrie du Nord-Est.

valeat. Privilège du 20 Août 1691. *Ut gens rasciana solummodo nostrae caesarae regiaeque Maiestatis subiecta, ab omni alia dependentia vero, tam comitatum, quam dominorum terrestrium exempta maneat.* Privilège du 31 Mai 1694).

Après la Paix de Passarovitz, en 1718, lorsque l'Autriche eut décidé d'étendre son expansion dans les Balkans, la germanisation du Banat commença; en même temps, il fut permis aux Roumains de Moldavie et de Valachie de venir s'y établir; cependant, le Banat conserva quand même son caractère serbe. (V. la nomenclature des localités sur la carte topographique éditée sur l'ordre d'Eugène de Savoie en 1723-1725).

Le Gouvernement austro-hongrois reconnut à deux reprises le caractère serbe de la Hongrie méridionale. En 1790, la Diète (Sabor) serbe de Témichvar, et en 1848, la Diète (Sabor) serbe de Karlovtzi adoptèrent une proposition de création de la Voïvodine serbe comprenant la Syrmie, la Batchka, le Banat et la Baranya, et les Habsbourg adhérèrent à la résolution de la Diète. Le "Voïvode" Chouplikatz fut confirmé le 3 Décembre 1848 et le 6 Novembre 1849 Kraso fut adjoint à la "Voïvodine" serbe. (V. en annexe la carte de la Voïvodine serbe de 1853). Mais à la fin de l'année 1860, la Voïvodine fut supprimée et en 1867 elle fut incorporée à la Hongrie. A partir de cette époque les Hongrois commencèrent la magyarisation du Banat et des autres provinces serbes.

Les Roumains Sont des Nouveaux Venus

L'histoire ne mentionne absolument pas les Roumains dans cette partie du Banat où les Serbes ont développé une activité politique et civilisatrice si grande. Les Roumains ne descendirent pas dans la grande plaine du Banat avant le XVIII^e Siècle, en même temps que les colons allemands et les magyars. Quant aux Roumains orthodoxes de Transylvanie et du Banat oriental, ils se trouvaient sous la juridiction de l'archevêché serbe de Karlovtzi depuis le commencement du XVIII^e siècle jusqu'en 1864. En 1864, un accord fut conclu entre les Roumains et la cour de Vienne, suivant les termes

duquel l'Église roumaine se séparait de l'Église serbe. (Accord conclu en dehors du Patriarche serbe et sans qu'il en ait été averti ni son concours sollicité). Sur trois nouveaux diocèses, les Roumains n'en obtinrent qu'un seul, à Karansebech dans le Banat oriental, cependant que les Serbes conservaient leurs évêchés à Témichvar et à Verchatz, ce qui démontre encore que, tout en voulant refouler les Serbes, le Gouvernement austro-hongrois ne pouvait leur contester le bas-Banat.

Les Populations Serbe et Roumaine

D'après le recensement général de la population en 1910, dans la "joupania" de Torontal, avec Pancevo, il y a :

199.750 Serbes
et 86.937 Roumains;

et dans la "joupania" de Tamis avec Témichvar

69.905 Serbes
et 169.030 Roumains;

et de plus, il y a dans ces deux "joupanias" (Comitats), c'est-à-dire dans le Banat occidental et central, environ 41.600 autres Slaves (Croates, Slovaques, Ruthènes et autres que les statistiques hongroises comprennent dans la rubrique "divers").

Donc, dans ces deux Comitats, il y a, au total,

311.255 Slaves
et 255.967 Roumains

ce qui fait..... 55.288 Slaves de plus que de Roumains.

La frontière que nous demandons avec la Roumanie ne concorde pas tout à fait avec celle qui sépare les Comitats de Tamis et de Kraso, car celle-ci laisse à la Roumanie une partie du Comitat de Tamis, comprenant les arrondissements de Buzijas, de Lipova et l'arrondissement entier de Rekas, à l'exception du village Bukovac, ensuite, deux villages (Gertenyes et Sosd) de l'arrondissement de Deta,—et attribue à notre État 13 localités de l'arrondissement de Jàm et 13 autres de celui de Nova Moldava appartenant au Comitat de Kraso.

Dans notre partie du Banat ainsi délimitée (v. la carte annexée), il y a, d'après la statistique hongroise de 1910 :

316.286 Slaves (y compris ceux que la statistique hongroise classe dans la rubrique "divers").

tandis qu'il n'y a que :

212.396 Roumains

c'est-à-dire 103.890 Roumains de moins que de Slaves.

Malgré tous les efforts du Gouvernement autrichien d'abord, du Gouvernement hongrois ensuite, qui ont usé de tous les procédés permis ou interdits pour affaiblir le caractère serbe du Banat en le peuplant d'Allemands, de Magyars et de Roumains, le caractère principalement serbe de la partie du Banat revendiquée par notre État a été conservé, et le nombre des Serbes y est plus élevé que celui de toute autre nationalité. En effet, dans cette partie du Banat, il y a 194.876 Magyars et 309.889 Allemands, sur une population totale de 1.042.058 habitants.

Nous ne prenons pas en ligne de compte les Allemands colonisés, car ils n'ont de contact en aucun point avec les territoires allemands et l'on ne peut reconnaître aucun droit à une existence indépendante ou à l'union avec l'Allemagne, aux Allemands qui ont été établis contre la volonté de la population habitant ces régions et dans l'unique but de mettre obstacle au développement national, c'est-à-dire à l'union des Serbes indigènes avec ceux du Royaume de Serbie.

De plus, le caractère serbe de cette partie du Banat peut être jugé également par ce fait que *les Serbes dans le Banat occidental et central, possèdent onze fois plus de terres que les Roumains*. Ensuite, cette partie du Banat doit également être considérée comme région serbe du fait que le mouvement intellectuel s'y trouve aux mains des Serbes, et que les Serbes originaires de ces régions ont fondé et développé la littérature serbe et donné à leur nation un très grand nombre d'hommes de lettres et de savants célèbres.

Comme nous l'avons déjà dit, les Allemands n'entrent pas en

ligne de compte dans la question de délimitation des différentes nationalités. Ils sont trop éloignés de leurs territoires, ne sont pas établis sur un territoire continu et n'ont aucun contact avec l'Allemagne. Quant aux Serbes et aux Roumains qui touchent leurs territoires nationaux, ils doivent être délimités. Les Serbes sont en contact au Sud et à l'Ouest avec leurs co-nationaux, les Roumains le sont avec les leurs à l'Est.

C'est par conséquent du côté de l'Est que la délimitation entre Serbes et Roumains devra se faire. Celle entre Serbes et Hongrois se fera au Nord.

Il peut être procédé facilement et équitablement à la délimitation entre les Serbes et les Hongrois. Dans la partie yougo-slave du Banat, il y a 194.876 Magyars, dont un grand nombre de fonctionnaires, employés et gens de service, avec leurs familles. Le Gouvernement hongrois a toujours nommé intentionnellement aux postes de fonctionnaires, d'employés et de garçons de bureau, des Magyars, dans un but de propagande et de contrôle sur les populations appartenant à d'autres nationalités. Tous les fonctionnaires et employés des chemins de fer, du service des routes, des canaux, et tous les gendarmes des différents services, sont Magyars. Leur nombre atteint souvent 20% du chiffre total de la population. Si l'on déduit donc ce nombre, il reste dans notre Banat au plus 160.000 habitants Magyars établis à demeure qui ne se trouvent nulle part en masse compactes ni en contact avec le territoire magyar national.

Il faut de plus, faire remarquer que la statistique hongroise officielle est notoirement peu sûre, surtout au détriment des Slaves. Nous en possédons une preuve dans la statistique des Serbes orthodoxes rédigée par le Patriarcat serbe de Karlovtzi, suivant laquelle le nombre des Serbes dans les Comitats de Torontal et de Tamis s'élève à 322.378 contre 269.651 seulement indiqués à la statistique hongroise.

Le Banat, la Batchka et la Syrmie formaient la Voïvodine serbe de 1849 à 1860. La population était en très grande majorité serbe.

Craignant cet élément qui était en contact immédiat avec la Serbie, les Autrichiens et les Hongrois amenaient et colonisaient des éléments étrangers. Malgré tout, cependant, les Serbes demeurèrent dans le Banat occidental et central, très supérieurs aux Roumains, tant au point de vue numérique et matériel qu'à celui de la culture en général.

Étant donné tout ce qui vient d'être brièvement exposé, personne ne peut posséder de droit national plus grand à la possession de cette province que les Serbes. En plus, le Banat occidental et central ne peut être attribué à personne d'autre, car par une telle attribution on enlèverait au Royaume des Serbes, Croates et Slovènes des territoires peuplés en majorité de Serbes, et on ne garantirait pas la Capitale, Belgrade, qui continuerait à se trouver à proximité de la frontière d'un État étranger; de plus, la vallée de la Morava serait découverte et exposée à une invasion étrangère, car toutes les incursions ennemies du passé ont emprunté cette vallée pour pénétrer en Serbie. En outre, le Banat est l'unique grenier de la Serbie et toute sa vie économique et commerciale gravite vers Belgrade.

Pour toutes ces raisons, notre État demande que le Banat occidental et central soit reconnu comme pays serbe. Il est utile de faire remarquer et prendre en considération le fait que dans la partie roumaine du Banat oriental et dans les autres territoires de la Hongrie qui sont revendiqués par la Roumanie, il reste (d'après les statistiques hongroises) environ 70.000 Slaves.

FRONTIÈRES

ENTRE LE

ROYAUME DES SERBES, CROATES ET SLOVÈNES

ET LE

ROYAUME DE ROUMANIE

Les frontières entre le Royaume des Serbes, Croates et Slovènes et le Royaume de Roumanie devront être telles qu'elles remplissent au point de vue stratégique au moins les trois conditions suivantes :

1° Que la sécurité du bas-Banat soit complètement assurée.

2° Que Belgrade, Capitale du Royaume, soit à l'abri de toutes les éventualités; et,

3° Que la vallée de la Morava soit assurée contre toutes opérations militaires par surprise.

Une défense efficace du Banat ne peut être assurée que par la ligne de défense que nous proposons comme frontière. A l'Ouest de cette ligne, il n'existe aucune position stratégique d'une certaine valeur pour la défense de notre pays. Bien plus, cette ligne que nous prenons comme frontière, est elle-même dominée par toutes les positions se trouvant à l'Est et elle ne remplit que dans une mesure très restreinte les véritables conditions d'une bonne frontière.

Quant aux conditions que devrait remplir la nouvelle frontière au point de vue de la sécurité de la défense de Belgrade, il nous semble qu'elles sont claires par elles-mêmes et ne demandent pas de commentaires particuliers. La Capitale de n'importe quel État représente à tous les points de vue son bien le plus précieux et pour cette raison elle doit être garantie contre toutes les éventualités. L'une des conditions les plus importantes de cette sécurité est que la Capitale soit aussi loin que possible de la frontière.

Enfin, une importance de premier ordre doit être attachée à la demande concernant la protection de la vallée de la Morava.

La vallée de la Morava a toujours été le but des opérations militaires les plus importantes, dirigées contre la Serbie. Aujourd'hui encore elle présente la même importance stratégique que celle qu'elle possède depuis des siècles. C'est incontestablement une route naturelle de la plus grande importance pour les opérations et les communications et, par conséquent, sa sécurité doit être garantie.

Les défenses de la vallée de la Morava se trouvent sur les positions de la rive gauche de la rivière Porechka. Cette ligne se prolonge au Nord, par delà le Danube, et emprunte la chaîne des montagnes de Veterani-Svinika-Rechidjbanya-Lipova-sur-Moris.

Pour satisfaire à ces trois conditions stratégiques, la nouvelle frontière devrait être reportée beaucoup plus à l'Est de la ligne que

nous proposons. Elle devrait, au moins, passer par la ligne Kazan-Sterbetz-Svinjika-Kumlea-cote 1458-Rechidjbanya-Lipova-sur-Moris, parce que c'est la ligne de défense stratégique naturelle sur laquelle pourrait être organisée la défense de notre État.

Cette ligne domine toutes les positions à l'Ouest et, par conséquent, celui qui est maître de cette ligne, sera également maître, au point de vue géographico-stratégique, de toutes les autres positions dans la direction de la Theiss et du Danube; il serait donc naturel que la nouvelle frontière empruntât ce tracé.

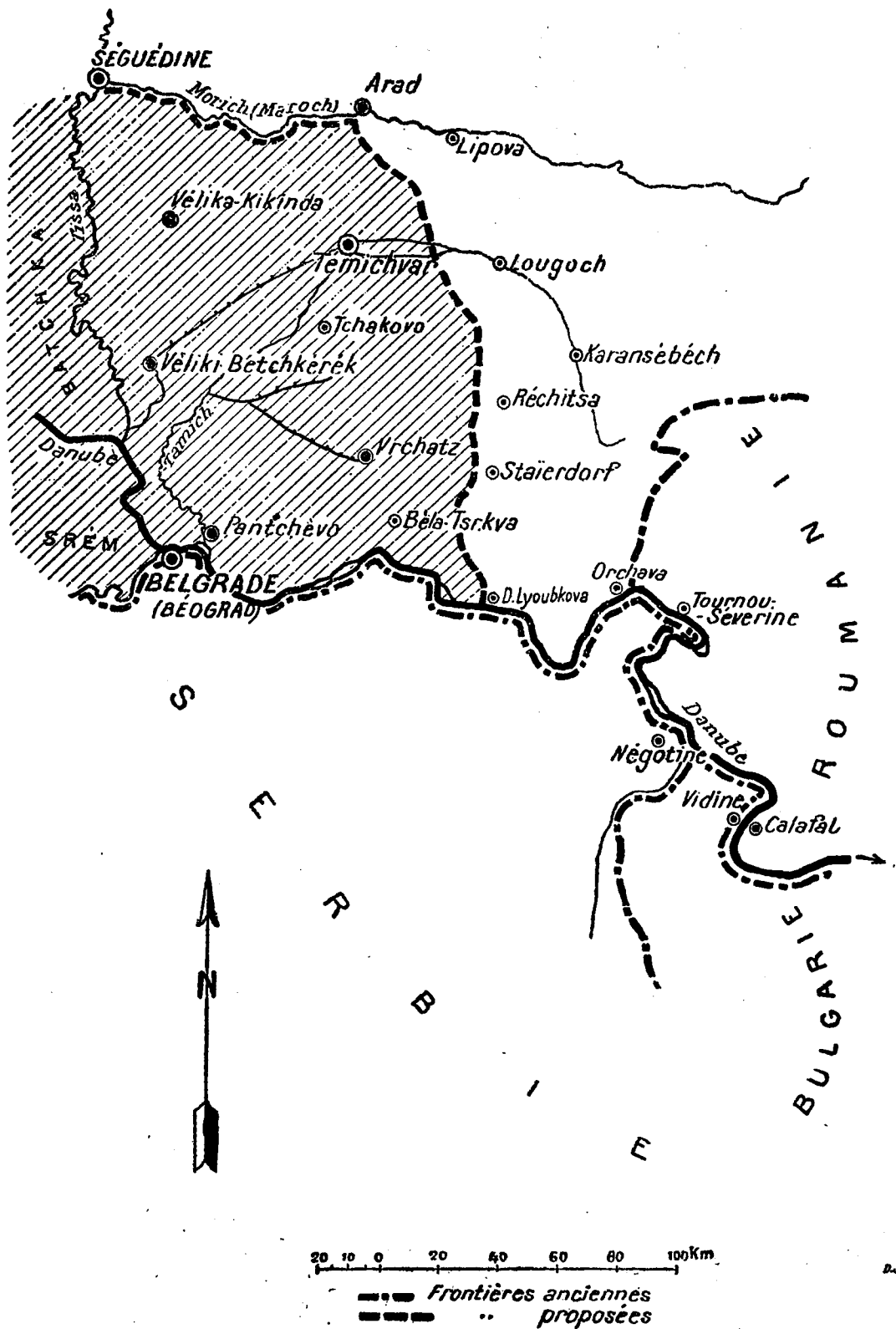
Cependant, nous avons tracé notre frontière beaucoup plus à l'Ouest et en suivant une ligne moins avantageuse, par suite de considérations purement politiques et pour éviter à tout prix tout ce qui pourrait troubler l'amitié séculaire qui nous unit à nos voisins roumains.

Ce qui vient d'être exposé démontre clairement que la ligne que nous proposons comme frontière de ce côté est nécessaire et justifiée.

FRONTIÈRE AVEC LA ROUMANIE

(1 : 1.000.000)

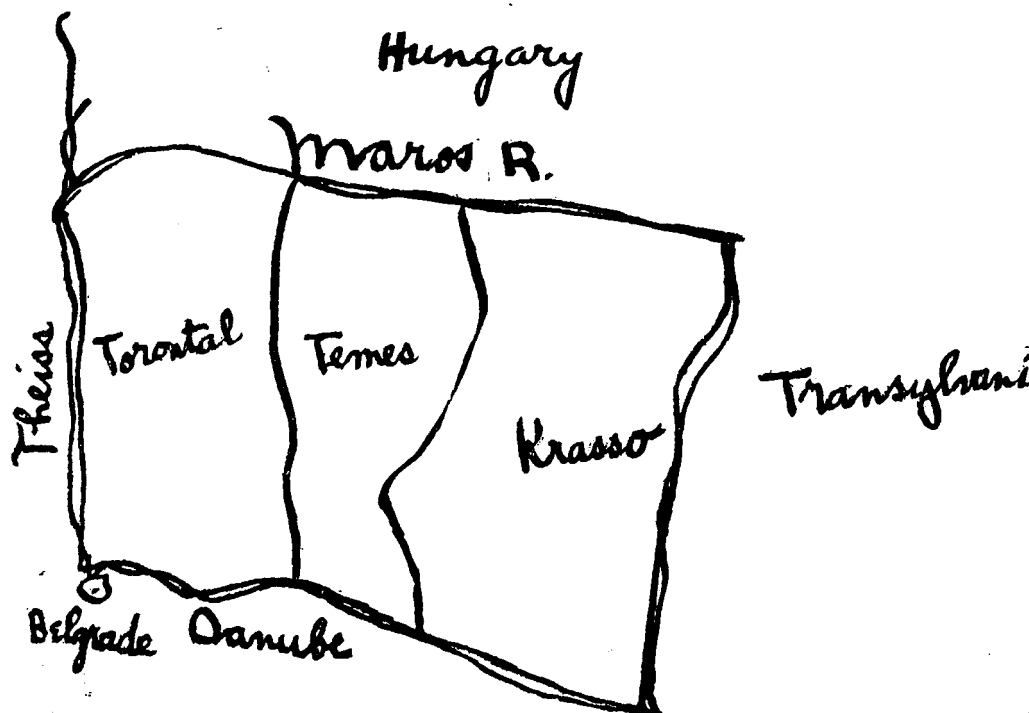
La frontière part du point où se rencontrent les trois frontières serbo-bulgaro-roumaine, entre le village Aktchar et l'embouchure de la rivière Skomlia, et remonte le Danube jusqu'en face du village Brufica (sur la rive gauche du Danube); de ce point elle se dirige au Nord en suivant la crête jusqu'à la cote 736, traverse la rivière Néra à l'Ouest de la cote 596, puis en passant par le village Illadia (qui reste du côté roumain), elle continue au Nord en passant par le village Goruja (du côté serbe), passe entre les villages Dognaeska (du côté serbe) et Izgar (du côté roumain); traverse la rivière Berzava, à l'Est de la localité Nim Bagsan. De ce point elle oblique au Nord-Ouest vers le village Izgar (du côté serbe), puis vers Bazias, Jhittyas, Temes-Bekas, Roman Bencsek (qui restent du côté roumain), ensuite, passe par Sracsany et Segenthan (qui restent du côté serbe), puis elle continue au Nord en descendant vers la rivière Maros entre la ville d'Arad et le village Zadorlac.



Population Statistics of Banat by American ExpertsBANAT^a (With the t-i-o-'s included).

	Magyar	%	German	%	Roumanian	%	Serbo-Croat	%
Torontal	128,405	20.8	165,779	26.9	86,937	14.1	203,953	32.2
Temes	79,960	16.	165,883	33.1	169,030	33.7	70,255	14.
Krasso	33,787	7.2	55,883	11.9	336,082	72.1	14,993	3.2
TOTAL	242,152	15.3	387,545	24.5	592,049	37.4	289,201	18.3

(Total population: Torontal: 615,151
 Temes : 500,835 } Total 1,582,133.)
 Krasso : 466,147 }



a. Figures of American Experts. See map annexed and Diary, p. 101.



Blue figures Serbs
Green " Germans
Black figures Magyars
Red " Roumanians

Letter from Mr. Grew^a**AMERICAN COMMISSION TO NEGOTIATE PEACE**

January 29, 1919.

The Honorable David Hunter Miller,
4 Place de la Concorde,
Paris, France.

Sir:

By direction of the Commissioners, I have the honor to inform you of the appointment of yourself together with Mr. Lansing, to represent the American Commission to Negotiate Peace as a member of the Commission on the Responsibility for the War and its Authorization.

For your information I take pleasure in attaching a copy^b of the resolution providing for the above mentioned Commission, which was adopted at the meeting of the Peace Conference on January 25, 1919.

It is desired that you arrange with Mr. Lansing to have one private secretary in attendance at such sessions of the Commission on the Responsibility for the War and its Authorization, as may be held, and that he prepare for me as Secretary-General of the American Commission the minutes of the proceedings for the official files and records of the Commission.

It would be a convenience if these reports could be furnished in triplicate.

I am, sir,

Your obedient servant,

J. C. GREW,
Secretary-General.

1 encl.

a. See Diary, p. 102. My reply is Document 267; but see Diary, p. 104 and Documents 283 and 284.

b. Not reproduced. It may be found in Document 230.

Letter to Mr. Grew^a

31 January, 1919.

Sir:

I have the honor to acknowledge receipt of your letter of January 29th last, informing me of my appointment together with Mr. Lansing, to represent the American Commission to Negotiate Peace as a member of the Commission on the Responsibility for the War and its Authorization.

I have taken due note of the copy of the resolution adopted at the meeting of the Peace Conference on January 25, 1919, providing for the above-mentioned Commission, which you were good enough to enclose with your letter.

I have also observed that it is desired that I arrange with Mr. Lansing to have one private secretary in attendance at such sessions of the Commission on the Responsibility for the War and its Authorization as may be held, and that there be prepared for you as Secretary General of the American Commission, for the official files and records of the Commission, the minutes of the proceedings in triplicate.

I am, Sir, your obedient servant,

DAVID HUNTER MILLER,
Technical Advisor.

The Honorable Joseph C. Grew,
Secretary General, American Commission to Negotiate Peace,
Hotel de Crillon, Paris.

a. See Diary, p. 102. This is a reply to Document 266. See note to that Document.

DOCUMENT 268

**Notes of a Conversation Between President Wilson, Signor Orlando, Colonel House and Signor Scialoja,
held on January 30, 1919^a**

The President asked for Signor Orlando's views on the covenant which had been submitted to him the day before.

Signor Orlando replied that he was in the main in entire agreement with President Wilson, but he had a few technical suggestions to make. He drew especial attention to Article I of the supplementary agreements which, he thought, was open to misconstruction. If the Trentino and Trieste were to be handed over to a mandatory by the League of Nations, it would seriously compromise Italy's dignity.

The President pointed out that this was far from his mind. In fact, he intended that this question should be settled before the creation of the League of Nations. In other words, the Trentino and Trieste had, as far as he was concerned, already been ceded to Italy. He said that the reason why he had drafted the paragraph in this form, was because Yugo-Slavia might be divided into one, two or three States. He was prepared to admit two Yugo-Slav States to the League of Nations but, if it were found advisable to separate them into three parts, he would prefer to place the more unformed and less developed of the new States under the mandatory of the League of Nations.

Signor Orlando thanked the President warmly for this explanation but he nevertheless recommended that the language of Article I be altered.

This, the President promised to do.

Signor Orlando drew attention to another reason for not postponing too many of the settlements until the creation of the League of Nations. He said the Czecho-Slovaks and the Poles might de-

a. See Memorandum Regarding the Covenant, Vol. I, p. 343.

cline to compose their differences in Silesia if hope were held out that the controversy could later be referred to the League of Nations.

The President then explained why he proposed that the General Court should be composed of the resident diplomats in one of the smaller capitals rather than of special delegates: if special delegates were appointed, there would surely be jealousy between them and the resident diplomats. In a small capital, a resident diplomat would have leisure to devote a portion of his time to the work of the League of Nations. This might not be the case in a large capital.

Signor Orlando said that these remarks had convinced him absolutely. In fact, he added that the experience of the last few days had satisfied him that a large capital was not a good place in which to hold a Peace Conference.

Signor Orlando did not find the idea of giving three votes the power of veto upon any action of the Council practical. To illustrate his meaning he gave the case of an internationalized railway: supposing that a State, through which this railway passed, imposed exorbitant tariffs and refused to alter them at the request of its neighbours, all action could be paralyzed if three adverse votes prevented the Council from reaching a decision.

The President admitted that this might take place but he said that, as there could be no resort to arms before a delay of one year, public opinion would have time to reflect upon the gravity of the step.

Signor Orlando then hastily went over the remaining part of the covenant and said that his comments were very trifling, except on the subject of the abolition of conscription. He thought that this would work hardship upon the poorer Powers. In other words, rich Powers could afford to pay their standing army well. This would place the poorer Powers at a disadvantage. He did not think the voluntary system would work in Italy. They were already having trouble with their paid carabinieri which demanded higher wages. He suggested that a minimum conscription be allowed to be mod-

elled out after the Swiss system. He also thought that the presence of a large body of trained officers in a country might militate against the President's system as, with trained officers, it would be easy to drill new men rapidly.

The President thought that if the number of officers were limited to the number of troops they could legitimately be called upon to command, this objection would disappear.

Signor Orlando asked what would be the result if all the Allied Powers abolished conscription and the German army remained intact.

The President replied that Germany would be forced to disarm before she could be admitted as a member of the League.

Signor Orlando promised to send an English translation of the Italian text to the President as soon as possible.

Telegram Received^a

The Hague

Dated Jan. 31, 1919.

Rec'd 31st, 8:55 P. M.

American Mission,
Paris.

Dutch Press, January 28th, reports that instructions have recently been given to Dutch Legation at Paris to Mr. Loudon to communicate the Peace Conference and to President Wilson the report of the Commission for preparation for third Hague conference concerning the principles which might serve as basis for League of Nations.

GARRETT.

a. See Diary, p. 102.

DOCUMENT 270**Memorandum^a**

From: David Hunter Miller, Technical Advisor.
To: The Honorable Joseph C. Grew, Secretary.
Subject: Mr. Joseph Baily Brown.

Mr. Joseph Baily Brown, Special Assistant in the Department of State, has been assigned to this office by the Department of State at the request of the American Commission to Negotiate Peace.

Mr. Brown's appointment as Special Assistant carried with it a salary of \$200.00 per month and the usual State Department allowance for subsistence of \$4.00 per day.

Mr. Brown is not living and cannot live at the Crillon but lives at another hotel.

It would appear that his allowance for subsistence might properly be the same as that of others attached to the Commission; namely, at the rate of Fcs. 40.00 per day, and I recommend such allowance.

DAVID HUNTER MILLER,
Technical Advisor,
American Commission to
Negotiate Peace.

31 January, 1919.

a. See Diary, p. 102.

Draft^a

As the basis for such a reduction of armaments, all the Powers subscribing to the Treaty of Peace of which this Covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree *that the forces of defense and of international action to be maintained by them in time of peace shall consist of men obtained by voluntary enlistment only*, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph; *Provided that in the event that a Signatory Power be unable at any time to obtain by voluntary enlistments the full number of men required to make up the force fixed for that Power in accordance with the agreements referred to in the last paragraph, conscription may be resorted to by that Power to the extent necessary to make up such deficiency in voluntary enlistments.*

a. Author, General Tasker H. Bliss. See Diary, p. 102.

Revision of Mr. Hurst^a**COVENANT****PREAMBLE**

In order to secure international peace and security by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct between governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this covenant and agreement adopt this constitution of the League of Nations.

Article I.

The action of the H. C. P. under the terms of this Covenant shall be effected through the instrumentality of meetings of Delegates representing all the H.C.P., through meetings at more frequent intervals of an Executive Council representing the States more immediately concerned in the matters under discussion, and through a permanent international Secretariat to be established at the capital of the League.

Article II.

Meetings of the Body of Delegates shall be held from time to time as occasion may require for the purpose of dealing with matters within the jurisdiction of the League.

Meetings of the Body of Delegates shall be held at the Capital of the League or at such other place as may be found convenient and shall consist of not more than two representatives of each of the H.C.P.

All matters of procedure at meetings of the Body of Delegates,

a. I do not have all of this revision. See Diary, p. 103, and Memorandum Regarding the Covenant, pp. 344-346, and notes.

including the appointment of committees to investigate particular matters, shall be regulated by the Body of Delegates itself and may be decided by a majority of the representatives present at a meeting.

Article III.

The representatives of the States members of the League directly affected by any matter within the sphere of action of the League will meet as an Executive Council from time to time as occasion may require, and in any case at intervals of not more than one year.

The United States of America, Great Britain, France, Italy and Japan shall be deemed to be directly affected in all matters within the sphere of action of the League. Invitations will be sent to any Power whose interests are directly affected, and no decision taken at any such meeting will be binding on a State which was not invited to be represented at the meeting.

Such meetings will be held at whatever place may be decided on, or failing any such decision at the capital of the League, and any matter affecting the interests of the League or relating to matters within its sphere of action or likely to affect the peace of the world may be dealt with.

Article IV.

The permanent Secretariat of the League of Nations shall be established at _____, which shall constitute the capital of the League. The Secretariat shall comprise such secretaries and staff as may be required under the general direction and control of a Chancellor of the League by whom they shall be appointed.

The Chancellor shall act as Secretary at all meetings of the Body of Delegates or at Council meetings.

The expenses of the Secretariat shall be borne by the States members of the League in accordance with the distribution among members of the Postal Union of the expenses of the International Postal Union.

Article V.

(Identical with Article V of Document 274.)

Article VI.

Admission to the League of States who are not signatories of this Covenant requires the assent of the other H.C.P.

(alternatively) the assent of not less than two-thirds of a meeting of the Body of Delegates.

Article VII.

(Identical with Article VII of Document 274.)

Article VIII.

(Identical with Article VIII of Document 274.)

Article IX.^a

The H.C.P. agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to enquiry by the Executive Council or until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to armed force as against a member of the League who complies with the award of the arbitrators or the recommendation of the Executive Council.

Article X.

(Identical with Article XI of Document 274.)

Article XI.

(Identical with Article XII of Document 274.)

Article XII.^b

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the H.C.P. agree that they will refer the mat-

a. This became Article X in Document 274.

b. This became Article XIII in Document 274.

ter to the Executive Council, and either party to the dispute may give notice to the Chancellor of the existence of the dispute, and the Chancellor will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Chancellor statements of their case with all the relevant facts and papers.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published. This report shall set forth, with all necessary facts and explanations, the recommendations which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council, other than the parties to the dispute, the H.C.P. agree that none of them will go to war with any party which complies with its recommendations. If no such unanimous report can be made, it shall be the duty of the majority to issue a statement indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this Article refer the dispute to the Body of Delegates. This dispute shall be so referred at the request of either party to the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

Article XIII.

(Identical with Article XIV of Document 274.)

Article XIV.^a

In the event of disputes between one State member of the League

a. This became Article XV in Document 274. I do not have the last paragraph of this Article as written by Mr. Hurst.

and another State which is not a member of the League, or between States not members of the League, the H.C.P. agree that the State or States not members of the League shall be invited to become members of the League *ad hoc*, and the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute involved and recommend such action as may seem best and most effectual in the circumstances disclosed.

In the event of the Power so invited refusing to become *ad hoc* a member of the League, and taking any action which in the case of a State member of the League would constitute a breach of Article IX, the provisions of Article XIII shall be applicable as against the State taking such hostile action.

Article XV.

(Identical with Article XXII of Document 274.)

Draft of Preamble, etc.^a

(i) Resolved to continue in lasting peace with each other, they enter into obligations intended to preserve the peace of the world.

(ii) They will not only respect the territorial integrity and political independence of all States members of the League, but will preserve them as against external aggression.

(iii) They recognize that certain Colonies and territories are inhabited by peoples not yet able to stand by themselves under the conditions of the modern world, and they will apply to these territories the principle that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in the Constitution of the League.

(iv) They entrust to the League the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

(v) They will endeavor to secure and maintain freedom of transit and just treatment for the commerce of all States members of the League.

(vi) They appoint commissions to study and report to the League on economic, sanitary, and other similar problems of international concern, and they authorize the League to recommend such action as these reports may show to be necessary.

(vii) They appoint a commission to study conditions of industry and labour in their international aspects, and to make recommendation thereon, including the extension and improvement of existing conventions.

(viii) Stipulations for securing the above measures are embodied in subsequent provisions.

a. Author, D. H. M. See Diary, p. 103, and Memorandum Regarding the Covenant, Vol. I, pp. 344-346.

Article I.

There shall be a Body of Delegates of the League of Nations which shall be composed of one representative at the capital of the League, of each of the Contracting Powers.

The Body of Delegates shall have the powers specifically granted to it under this Covenant.

The Body of Delegates shall determine its own procedure and the place and times of its meetings, and the number of Powers represented which shall constitute a quorum.

In all matters under this Article the Body of Delegates may act by majority vote.

Insert paragraph two of Article II.^a

Committees appointed by the Body of Delegates may consist in whole or in part of persons not members of the Body of Delegates.

An Ambassador or Minister of a Contracting Power shall be qualified to act as the representative of that Power in the Body of Delegates.

a. of Document 239, I think.

COVENANT^a

PREAMBLE

In order to secure international peace and security by the acceptance of obligations not to resort to the use of armed force, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE I.

The action of the High Contracting Parties under the terms of this Covenant shall be effected through the instrumentality of meetings of Delegates representing the H. C. P., of meetings at more frequent intervals of an Executive Council representing the States more immediately concerned in the matters under discussion, and of a permanent international Secretariat to be established at the capital of the League.

ARTICLE II.

Meetings of the Body of Delegates shall be held from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League.

Meetings of the Body of Delegates shall be held at the capital of the League or at such other place as may be found convenient and shall consist of not more than two representatives of each of the H. C. P.

An ambassador or minister of one of the H. C. P. shall be competent to act as its representative.

All matters of procedure at meetings of the Body of Delegates, including the appointment of committees to investigate particular matters, shall be regulated by the Body of Delegates and may be decided by a majority of those present at the meeting.

ARTICLE III.

The representatives of the States members of the League directly affected by matters within the sphere of action of the League will meet as an Executive Council from time to time as occasion may require.

The United States of America, Great Britain, France, Italy and Japan shall be deemed to be directly affected by all matters within the sphere of action of the League. Invitations will be sent to any Power whose interests are directly affected, and no decision taken at any meeting will be binding on a State which was not invited to be represented at the meeting.

Such meetings will be held at whatever place may be decided on, or failing any such decision at the capital of the League, and any matter affecting the interests of the League or relating to matters within its sphere of action or likely to affect the peace of the world may be dealt with.

ARTICLE IV.

The permanent Secretariat of the League shall be established at which shall constitute the capital of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Chancellor of the League by whom they shall be appointed.

The Chancellor shall act as Secretary at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the States members of the League in accordance with the distribution among members of the Postal Union of the expenses of the International Postal Union.

a. This is the so-called Hurst-Miller draft of the Covenant. See Diary, p. 103, and Memorandum Regarding the Covenant, Vol. I, pp. 344-346.

ARTICLE V.

Representatives of the H. C. P. and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

ARTICLE VI.

Admission to the League of States who are not signatories of this Covenant requires the assent of not less than two-thirds of the Body of Delegates.

No State shall be admitted to the League except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

ARTICLE VII.

The H. C. P. undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League.

ARTICLE VIII.

The H. C. P. recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction. It shall also inquire into the feasibility of abolishing compulsory military service and the substitution therefor of forces enrolled upon a voluntary basis and into the military and naval equipment which it is reasonable to maintain.

The H. C. P. further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes.

ARTICLE IX.

Any war or threat of war, whether immediately affecting any of the H. C. P. or not, is hereby declared a matter of concern to the League, and the H. C. P. reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the H. C. P. to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE X.

The H. C. P. agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to armed force as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

ARTICLE XI.

The H. C. P. agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration and will carry out in full good faith any award or decision that may be rendered.

ARTICLE XII.

The Executive Council will formulate plans for the establishment of a Permanent Court of International Justice and this Court will be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing Article.

ARTICLE XIII.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the H. C. P. agree that they will refer the matter to the Executive Council; either party to the dispute may give notice to the Chancellor of the existence of the dispute, and the Chancellor will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Chancellor statements of their case with all the relevant facts and papers.

Where the efforts of the Council lead to the settlement of the dispute a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendations which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council, other than the parties to the dispute, the H. C. P. agree that none of them will go to war with any party which complies with its recommendations. If no such unanimous report can be made, it shall be the duty of the majority to issue a statement indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this Article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

ARTICLE XIV.

Should any of the H. C. P. be found by the League to have broken or disregarded its covenants under Article X, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which shall immediately subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The H. C. P. agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the H. C. P. who are co-operating to protect the covenants of the League.

ARTICLE XV.

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the H. C. P. agree that the State or States not members of the League shall be invited to become *ad hoc* members of the League, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to become *ad hoc* a member of the League, and taking any action against a State member of the League

which in the case of a State member of the League would constitute a breach of Article X, the provisions of Article XIV shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to become *ad hoc* members of the League, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE XVI.

The H. C. P. entrust to the League the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

ARTICLE XVII.

The H. C. P. agree that in respect of territories which formerly belonged to the German Empire or to Turkey and which are inhabited by peoples unable at present to secure for themselves the benefits of a stable administration, the well being of these peoples constitutes a sacred trust for civilization and imposes upon the States members of the League the obligation to render help and guidance in the development of the administration. They recognize that all policies of administration or economic development should be based primarily upon the well considered interests of the peoples themselves, upon the maintenance of the policy of the open door and of equal opportunity for all the H. C. P. in respect of the use and development of the economic resources of the territory. No military or naval forces shall be formed among the inhabitants of the territories in excess of those required for purposes of defense and of internal police.

ARTICLE XVIII.

The H. C. P. will work to establish and maintain fair hours and humane conditions of labor for all those within their several jurisdictions and they will exert their influence in favor of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Also they will appoint Commissions to study conditions of industry and labor in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

ARTICLE XIX.

The H. C. P. agree that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

ARTICLE XX.

The H. C. P. will agree upon provisions intended to secure and maintain freedom of transit and just treatment for the commerce of all States members of the League.

ARTICLE XXI.

The H. C. P. agree that any treaty or International engagement entered into between States members of the League shall be forthwith registered with the Chancellor and as soon as possible published by him.

ARTICLE XXII.

The H. C. P. severally agree that the present Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

Memorandum on the Freedom of the Seas^a

The proposal to make private property at sea immune from capture is not new; though the actual form of the proposal and the qualifications or reservations attached to it have varied from time to time.

In the Treaty of 1785 between the United States and Prussia it took conventional form and since then it has been supported by five American Presidents, by the Institute of International Law, by Brougham, Palmerston, Cobden, Mill, Maine, Loreburn, and others. For the purpose of this memorandum I limit myself to two of the formulae.

In 1904 a joint resolution was adopted by the United States Congress, which ran as follows:—

“That it is the sense of the Congress of the United States that it is desirable in the interests of the uniformity of action by the maritime States in time of war that the President endeavour to bring about an understanding among the principal Maritime Powers with a view to incorporating into the permanent law of civilised nations the principle of the exemption of all private property at sea not contraband of war from capture or destruction by belligerents.”

In his fourteen points President Wilson takes different ground. He stipulates for freedom of navigation both in peace and war outside territorial waters except where seas may be closed by international action.

President Wilson here seems to make free navigation, by which it is understood he means the immunity of private property at sea, dependent on international action by an unborn League of Nations, and he says nothing about contraband of war or the Wash-

a. Author, Sir Graham Bower. See Diary, p. 104. The proposals of this paper were adopted by the British Maritime Law Committee of the International Law Association (with one dissent) on January 15th and the paper was sent to Mr. Lansing on January 23rd from London.

ington Treaty. It is not clear whether he would or would not allow an unlimited right to a belligerent to supply himself with war material purchased from neutrals. In order to appreciate the effect of these proposals it is necessary to consider maritime war from the point of view of the stronger sea power and the weaker sea power. From the date of the Battle of La Hogue in 1692 British supremacy has been practically unchallenged: there was an interruption during the War of American Independence. But the interruption was merely temporary, and it is fair to say that British supremacy at sea has been unchallenged for over two centuries.

How was that sea power exercised? There are two ways in which maritime force can be exercised in war.

First, the exhaustion of the enemy by the interception of all supplies destined to maintain either his people or his armies.

Second, what the French call *La guerre de la course* that is to say the attack on merchant shipping.

The first of these has been the British Mode of War for two centuries. It is and has been the aim of the British Fleet to make the enemy's coast the British Frontier.

On the other hand the weaker naval power has constantly directed its efforts to commerce destroying. In the great French War the French captured 10,871 British merchant vessels. The exploits of the *Alabama* are well known as are the efforts of commerce destroying of the German submarines in the present war.

But *La guerre de la course* or commerce destroying did not win any of these wars, on the other hand the strangle-hold of the Superior Fleet in every case exhausted the enemy, and forced submission. Is this strangle hold legitimate or not? This is the question. For no one disputes its efficiency. That raises the further question. What is war? On this subject there can be no higher authority than Clausewitz, and I cite his definitions. He says: —

“War therefore is an act of Violence intended to compel our opponent to fulfil our will.

* * * * *

"If our opponent is to be made to comply with our will we must place him in a situation which is more oppressive to him than the sacrifice which we demand.

* * * * *

"As long as the enemy is not defeated he may defeat me; then I shall be no longer my own master. He will dictate the law to me as I did to him."

* * * * *

It is my contention that on every occasion when British Sea Power has been used, it has been used for the aims defined by Clausewitz, and not for purposes of plunder.

So far then we see that as between belligerent and belligerent the strangle hold is efficacious, it is a legitimate war weapon with a legitimate war aim. It is also the least cruel and the most bloodless.

But there remains the relationship of belligerent and neutral. It is alleged that the High Seas are *res communis*—the highway of all. This may be granted with reservations. The reservation is stated by Lord Sumner in the case of the "Stigstad" as follows:—

"The seas are the highway of all, and it is incidental to the very nature of maritime war that neutrals in using that highway may suffer inconvenience from the exercise of their concurrent rights by those who have to wage war on it. Of this fundamental fact the right of blockade is only an example."

Moreover it has been the policy of England for more than a century to exercise her maritime rights, and her sea power with the greatest possible consideration for neutral rights. To that end she has, wherever possible, exercised the right of pre-emption or purchase in the case of provisions or conditional contraband, that is of articles *ancipitis usus*. This policy received the sanction of America in the case of the Jay Treaty of 1794, which whilst leaving absolute contraband as heretofore liable to confiscation makes conditional contraband subject only to pre-emption. That Treaty was negotiated by George Washington, John Jay, William Pitt and Lord Grenville.

But it may be said, and it is said that everything is now contraband or conditional contraband, and that at the Hague Convention of 1907 England offered to give up contraband altogether and to rely only on blockade. The statement is true: but the offer was made in ignorance of the important fact that blockade in the sense known to the Law Courts has been rendered impossible by the mine and the submarine whilst every article, or almost every article, produced is either contraband or conditional contraband. Even a baby's feeding bottle may be converted into a most deadly bomb.

The case for blockade is stated with clarity in the 18th, 19th, 20th, and 21st paragraphs of Sir E. Grey's instructions to the British Plenipotentiaries at the Hague in 1907. He went so far indeed as to make a conditional offer of immunity of private property at sea, but this extreme sacrifice offered as the price of disarmament was not accepted, and is no longer valid.

The case for the use of sea power was stated forcibly and clearly by the late Admiral Mahan, who says:

"Now private property borne upon the seas is engaged in promoting in the most vital manner the strength and resources of the nation by which it is handled. When that nation becomes belligerent, the private property so called borne upon the seas is sustaining the well being and endurance of the National War, and consequently is injuring the opponent to an extent exceeding all other sources of national power."

Precisely. The British case could not be better stated than it has been by the eminent American Admiral. It only remains to add, that from the point of view of humanity, it is more humane to exhaust your enemy by cutting off his supplies than by slaughtering his people.

I therefore propose:—

1. That the Jay Treaty be accepted as the basis of the future rule of international law, that absolute contraband be as heretofore

liable to seizure and confiscation and that conditional contraband be liable to pre-emption.

2. That belligerent has the right to declare what is conditional contraband, subject always to the condition that if intercepted it must be paid for.

3. That the right of pre-emption shall extend to merchant vessels that would otherwise be condemned as Prize for the carriage of conditional contraband or for any other cause of condemnation except unneutral service—that is of service which is of immediate military value to the enemy—such as signalling, patrolling, supplying coal or oil to ships at sea, etc.

It is of the highest importance that an agreement should be found between the conflicting position taken by America and England in this matter.

And it seems to me that a compromise which has already been approved by George Washington and John Jay on the part of America and by William Pitt and Lord Grenville on the part of England, offers a sound precedent for such an agreement.

GRAHAM BOWER.

1er Février 1919.

Réparation des Dommages^a

PRINCIPES

(PROJET)

1°.—Toutes les jurisprudences et tous les droits modernes, (allemand, américain, anglais, français, etc.), professent et appliquent des principes identiques en matière de réparations et de dommages.

Tous proclament, presque dans les mêmes termes, que celui qui, par sa faute a porté atteinte "à la vie, au corps, à la santé, à la liberté, à la propriété et à tout droit d'un autre" (art. 823 du code civil allemand) doit être condamné; de ce chef, à "rétablir l'ordre de choses qui aurait existé si la circonstance ayant donné lieu à l'obligation ne fût pas survenue" (art. 249; même code).

Du fait de l'Allemagne:

des hommes combattants ou non, des femmes, des enfants, des vieillards ont été tués, mutilés, blessés, atteints par les maladies nées de la guerre dans les sources mêmes de leur vie "Atteintes à la vie, au corps, à la santé."

des hommes, des femmes, des enfants ont été réduits en esclavage, contraints au travail forcé sous le joug de l'envahisseur "Atteintes à la liberté."

des populations entières actives et vaillantes ont vu, sous leurs yeux, en quelques semaines, parfois en quelques heures, anéantir le produit du labeur accumulé par des générations "Atteintes à la propriété."

2°.—L'Allemagne doit réparer l'intégralité des dommages qu'elle a causée. C'est le seul moyen de rétablir, comme son droit

a. See Diary, p. 104.

l'ordonne "l'ordre de choses qui aurait existé" si la guerre "ne fût pas survenue" de son fait et par sa faute.

Comme sanction pour le passé, comme exemple pour l'avenir, elle doit s'acquitter de la totalité de sa dette.

Mais si tous ses créanciers, à savoir les puissances alliées et associées, sont tous également dignes d'intérêt et doivent être placés sur le même plan, il n'en est pas de même de toutes les catégories de créances. Certaines ont droit à un ordre privilégié.

Le privilège d'une créance, c'est le droit qu'elle possède, en raison de sa *qualité* et indépendamment de la personne du créancier, d'être payée par préférence à toute autre.

3°.—Si un débiteur a appréhendé les biens d'autrui, il en doit restitution avant que ses créanciers, lui puissent réclamer aucun remboursement. Leur propriétaire a le droit de les reprendre avant tout partage des biens du débiteur par ses créanciers. Les biens d'un débiteur ne sont, en effet, le gage commun de ses créanciers qu'autant qu'ils lui appartiennent légitimement.

Le propriétaire conserve son droit privilégié de restitution alors même que les objets appréhendés, ayant été anéantis ou rendus inutilisables par le débiteur, ne se retrouvent plus en nature dans son patrimoine.

S'il en était autrement, il appartiendrait au débiteur en détruisant par malice ou en consommant par intérêt les objets appréhendés de priver la victime dépouillée d'exercer son droit de propriété. Elle réduirait le propriétaire de biens appréhendés au rang des créanciers ordinaires qui se partagent également les biens du débiteur.

TEXTE**adopté à l'unanimité****Par la réunion des délégués des Associations alliées pour la****SOCIÉTÉ des NATIONS^a****tenue à Paris du 25 au 30 Janvier 1919.**

La réunion réclame la formation, dans le plus bref délai possible, d'une Société des peuples libres, unis dans la même horreur du crime que l'autocratie a déchaîné sur le monde pendant plus de quatre ans:—résolus à ne plus permettre qu'une guerre puisse de nouveau menacer l'humanité de ses destructions,—déterminés enfin à s'entendre et à s'organiser:

1°—Pour soumettre tous les différends pouvant s'élever entre eux à des méthodes de règlement pacifique;

2°—Pour prévenir ou arrêter en même temps par tous les moyens à leur disposition, toute tentative d'un Etat quelconque pour troubler la paix du monde par des actes de guerre;

3°—Pour établir une Cour de Justice internationale chargée de régler toutes les questions d'ordre juridique, et pour garantir l'exécution de ses sentences, par toutes les sanctions internationales appropriées; diplomatiques, juridiques, économiques, et au besoin, militaires;

4°— a) Pour établir un conseil international représentatif qui pourvoira au développement de la législation internationale et qui exercera une action commune dans les affaires d'intérêt général.

b) Le Conseil représentatif veillera à la sauvegarde de la liberté des nations et au maintien de l'ordre international.

c) Le Conseil représentatif, se considérant comme investi de la tutelle morale des races non encore civilisées assurera l'exécution et provoquera, au besoin, le développement des conventions internationales nécessaires pour la protection et le progrès de ces races.

a. See Diary, p. 104.

d) Un Comité permanent de conciliation se saisira de tous les différends entre les nations associées ; il agira d'abord comme conciliateur ou médiateur, et renverra, au besoin, les différends suivant leur nature, soit à l'arbitrage, soit à la Cour de Justice. Il sera chargé de toutes les enquêtes. Il fixera les délais et les conditions qu'il jugera utiles. En cas de refus d'obéissance soit à une sentence arbitrale, soit à une de ses propres décisions le Comité proposera au Conseil représentatif et aux Gouvernements associés l'application de sanctions appropriées. Celles-ci seront obligatoires en cas de violence ou d'agression.

5°—Pour limiter et surveiller les armements de chaque Nation et la fabrication du matériel et des munitions de guerre, dans la mesure des besoins de la Société des Nations.

6°—Pour s'interdire l'usage des traités secrets.

7°—Pour admettre dans la Société des Nations, comme égaux devant le droit, tous les peuples en état de donner des garanties effectives de leur intention loyale d'observer ses conventions.

En dehors du texte contenant des principes pouvant servir de base à l'établissement d'une Société des Nations adoptée à l'unanimité par les représentants des Associations Alliées et communiqué le 1er Février aux Chefs de leurs gouvernements, la réunion de ces Associations, avant de se séparer, a également émis un certain nombre de vœux.

Les vœux suivant ont été émis à l'unanimité :

I—

Que la conférence fasse appel aux gouvernements associées et alliées pour que dans le traité de paix ne soit comprise aucune disposition contraire aux principes exposés dans les quatorze points du Président Wilson.

II—

Que la Société des Nations doit non seulement être la gardienne de la paix internationale, mais s'intéresser à la paix sociale, et que

dans ce but, elle doit s'efforcer de rendre universelle toutes les conditions humaines du travail que jusqu'ici des nations de haute civilisation n'ont pas cru toujours pouvoir adopter.

Qu'elle établisse :

1) Un bureau international du travail qui sera chargé de recueillir et d'unifier les statistiques, de poursuivre toutes les recherches d'ordre social, technique et physiologique et de surveiller l'exécution des lois internationales protectrices du travail industriel, agricole, etc. . . .

2) Une conférence internationale du travail dans laquelle employeurs et employés seront représentés et qui se réunira périodiquement dans le but de moderniser la législation du travail.

III—

Qu'une Commission Internationale d'enseignement soit un organe actif. L'enseignement est le principal moyen par lequel une démocratie mondiale responsable peut être développée et par lequel une Société des Nations peut se maintenir. Cette Commission devrait être chargée de rédiger un plan par lequel l'enseignement devra pourvoir aux besoins fondamentaux de la démocratie. Ce plan, par conséquent, devrait fournir les moyens d'un enseignement sur les droits et les devoirs des citoyens vis-à-vis de la démocratie et l'extension du privilège de l'enseignement à toutes les nations et à toutes les classes.

Une autre catégorie de vœux visant les questions d'ordre militaire a obtenu une adhésion générale, mais n'a pu réunir un vote unanime, la délégation des Etats-Unis n'ayant pas reçu mandat de traiter ces questions. Voici le texte de ces vœux :

1) — Que les Etats alliés et associés doivent imposer dans le traité de paix aux Etats ennemis la limitation des armements et le contrôle sur leur fabrication, de façon à permettre aux Etats de la Société des Nations de réduire immédiatement et dans une forte mesure, leurs forces militaires.

2) — Que la Société fixe pour chaque associé le chiffre des forces militaires de terre et de mer sans autres limites que la nécessité de faire face aux agressions possibles des Etats exclus de la Société ou en révolte contre ses décisions.

3) — Que les Etats associés peuvent de façon générale considérer leur défense comme assurée pour longtemps par l'emploi des armes que la guerre et la victoire ont mises à leur disposition.

4) — Que les Etats associés doivent s'interdire la vente aux Etats étrangers à la Société des Nations, des armes et munitions qu'ils possèdent actuellement et de celles que les fabriques d'Etat pourraient produire ultérieurement.

5) — Que le commerce et la fabrication par des établissements privés de toutes les armes et de munitions de guerre devront être interdit.

Telegram Sent^a

January 31, 1919.

General Andrews,
U. S. Army, G-1 GHQ.

In respect to your telegram in regard to Colonel Grove. In order to get the whole story in front of you I will report that on January 20th the Supreme Food Council telegraphed General Foch as follows:

"We have just heard the report of Dr. Kellogg, who has completed a mission in Poland on behalf of Mr. Hoover. It is clear from his statements that the food situation in Poland is most critical and that immediate supplies are necessary if the present Government is to be able to withstand the Bolsheviks. The Allied Supreme Council of Supply and Relief is ready to send the necessary cargoes to Danzig at once. Article 16 of the Armistice with Germany gives the Allies the right of access to Poland by Danzig for the purpose of sending supplies to Poland. We request you to ask at once by wireless that Germany should take steps to assure the transport of 3,000 tons of foodstuffs daily by rail from Danzig to the Polish frontier. The German Government must assure the protection of these supplies and should the supplies delivered in Poland prove to have been tampered with there shall be a corresponding reduction in the future supplies for Germany. The transport of the supplies shall be carried out under the control of Allied representatives of the Council and we request you to keep us informed by telegram."

On January 28th we received from General Foch the following message:

"German reply to telegram Number 3564 CR:

"First: The German Government is disposed in principle to permit the passage of provisions destined to the

a. See Diary, p. 104.

Polish Congress but on account of the bad condition of the railways and the great lack of rolling stock transportation to the German Polish frontier cannot be assured without meeting with inconvenience and delay.

"Second: Germany asks the assurance that the material furnished for the transportation of these provisions be returned to her immediately.

"Third: The German commission reserves the right to make further remarks on this subject."

I telegraphed Colonel Grove, who is head of the Food Mission in Poland, these arrangements and instructed him he should expect certain cargoes of foodstuffs in Danzig within the next five or ten days and that I would be glad if he would get into communication with the German Railway and port authorities and make the necessary detailed arrangements for the transportation of the food from Danzig to the Polish frontier. Knowing Colonel Grove, I have no doubt he is simply giving effect to these instructions and I have no doubt that the Germans will raise every detailed difficulty they can in retarding this transmission of food from Danzig to Warsaw, as is evidenced by their desire for Colonel Grove to communicate with them via the Commission at Spa. Such an arrangement would be hopeless, as it is a question of discharging ships, securing warehouse and wharf accommodation, loading railway cars, and securing their dispatch and delivery to the Polish frontier. If such communication is to be made through Spa it would involve an enormity of detail whereas if the Germans were willing to cooperate with Colonel Grove it would certainly save them and us a great deal of difficulty. My view is that they should be at once instructed that Colonel Grove is our representative in food transmission to Warsaw and anyone with whom he associates himself as assistants are our representatives and that the Germans should loyally cooperate with this group in securing the results demanded by General Foch. It would seem to me any failure on their part is a violation of their undertaking under the Armistice. **HOOVER.**

Cablegram Received^a

Dated Jan. 29th, 1919.

Rec. 31st, 8:20 P. M.

American Mission,
Paris.

For the President from the Secretary of War.

Very Confidential.

Secretary Redfield has had brought to his attention very serious difficulties of exporters in dealing with Shipping Board in the matter of rates. There seems also to be much confusion and uncertainty on the part of the Board in the matter of allocations and as to future policy. This necessarily affects building program and the Cabinet discussing the matter yesterday asked me to convey its feeling that if possible Mr. Hurley should return at once with such instructions as will enable him to inaugurate definite policy of rates, allocations and management of American Tonnage and restrict building program to ships best adapted to future commercial uses.

If Hurley cannot return at once they have (apparent omission) desire to have some one make a comprehensive study for your consideration upon your return.

Gay could make such a study without of course committing you to anything hinging on report being held for low cost comparisons.

The Senate called upon the Shipping Board for recommendations covering policy of future operations. Mr. Whipple has prepared a suggested reply which the Cabinet unanimously felt unwise.

POLK, Acting.

a. See Diary, p. 104.

Cablegram Sent^a

January 30th, 1919.

Secretary of State,
Washington.

For Secretary Treasury.

Allotment of \$25,000.00 for credit Major General F. J. Kernan for expenses of Interallied Commission to Poland is authorized from appropriation National Security and Defense. Notify Department of State of this allotment. **WOODROW WILSON.**

AMERICAN MISSION.

a. See Diary, p. 104.

Cablegram Received^a

Washington,
Dated Jan. 30, 1919,
Recd. 1.10 p.m.

American Mission,
Paris.

For Davis from Rathbone.

First. Following note dated January 14th presented to Acting Secretary of State by French Charge d'Affaires: "As I had the honor to say to you in the course of our conversation yesterday, the German Government through its financial delegates to the Armistice Commission at Spa offered to the French and Belgian forces to redeem all the Reichsbank notes circulating within their territories or deposited in their banks of issue. All those notes would be gathered and put into special accounts with a view to eventual delivery to Germany in return for the marks thus delivered by them. The French and Belgian Governments would receive:

1. All the French and Belgian banknotes of which the German Government may have the disposal;
2. An amount to be determined later of foreign securities all on bills of exchange payable abroad. The Reichsbank notes now circulating or deposited in France and Belgium represent a value of about four billion marks and the transaction would be of real importance to the two countries. It would rid them of a currency which is a dead weight to their Treasuries while Germany would be given the opportunity to withdraw a large amount of those notes which are the cause of inflated issues of the Reichsbank. The Government of the republic though inclined to entertain the proposal would not enter into negotiations with the German Government

a. See Diary, p. 104.

without being first assured that the above stated terms and in particular those relative to the foreign securities and bills of exchange held by Germany are unobjectionable to its allies. I should be very thankful to you if you would kindly determine whether the Federal Government in this matter concurs in the views of the French Government."

Second. In accordance with request of State Department you are instructed to keep our Peace Mission informed regarding this communication and other communications to State Department that may be forwarded to you in a similar way, thus avoiding the unnecessary duplication and expense occasioned if State Department should also forward such communications direct to Mission.

Third. Treasury not sufficiently advised to Mission's policy to know whether any objection to giving France and Belgium preference apparently involved in acceptance of offer made by Germany's financial delegates to Armistice Commission.

Fourth. Use of foreign securities and bills of exchange for the purpose suggested might involve disposal of securities held by our Alien Property Custodian and disposal of German claims against our Nationals without making provision for similar claims of our nationals against Germany or its nationals. This should be safeguarded.

Fifth. Have discussed with Strauss, a, claims of American and German nationals against each other; b, property of enemies in United States and property of our nationals in enemy countries and, c, the plans of British and of our Alien Property Custodian regarding offsets.

POLK, Acting.

Cablegram Received^a

Washington,

Dated January 29, 1919.

Recd 31st 4:40 p.m.

American Mission,
Paris.

For Secretary of State.

Following two telegrams received from Consul General Harris:

"Following from Omsk: No. 40, January 20, 9 p.m. The week ending January 18 was a good one for the Kolchak Government. Prospects of settling the Semenoff affairs definite; complete understanding concerning high command of all Allied troops on the Western Front; the adjustment of the railroad matters and the acceptance by the Zozonofi of their placing full reliance in Ministers of Foreign Affairs all tend to greatly strengthen the Omsk Government especially as regards external affairs. The Government, in interior affairs, however, is still weak and it just has not the power to enforce its will in the administration of many vital matters. For example, Kolchak is powerless to control the action of the Cossack Atamans such as Ivanoff, Dytoffe and Semenoff, as advances demonstrated on many occasions and these Cossack Generals have left no room for doubt as to what their attitude would be if their personal and selfish interests were not given due consideration. Generally speaking a Cossack Ataman has no conception of any policy which would contribute towards the restoration of a great united Russia. His chief ambition is to remain all powerful in regard to Cossack districts and owe only a nominal allegiance to a Czar. This is how it has worked out in actual practice in past years and this is why each Ataman is at heart now, a monarchist. It does

a. See Diary, p. 104.

not suit him to encourage a policy which would enlighten a Cossack peasant to this extent. Himself the ablest (omission) will not possibly look for guidance to some member of an all Russian Constituent Assembly whom he has assisted to elect from his Districts. They are the secret motives which control the actions of such men as Semennoff and the issue is very remote. Such problems as these that Admiral Kolchak is confronted. Were he to antagonize the Cossacks openly he would but jeopardize the existence of the whole Government which would lead immediately to a nationalized uprising and such a step would be fatal at this time because it would simply mean that continent would pass to Bolshevism.

Another instance of weakness in Kolchak Government. On morning of December 23 nine social revolutionary members of the all Russian Constituent Assembly were secretly taken from prison in Omsk and executed under circumstances akin to an atrocity. The Kolchak Government is blameless in these matters but it has not sufficient strength to bring the murderers to justice for reason it might implicate someone who has a large political (omission).

There is much talk of a monarchy among a certain set of officers but I am still of opinion that any such test at this time would be fatal. Although a large percentage of population may favor constitutional monarch yet it would be ill advised to launch such a program before European Russia is entirely freed of the Bolshevik. If Kolchak falls and a monarchy is proclaimed it would have the immediate effect of throwing all the social revolutionary and other kindred parties into the Bolshevik camp and I doubt if there are sufficient Czech and foreign (omission) in western Siberia to subjugate the tide of Bolshevik which would sweep east over Siberia and join up with the Bolsheviks who are still in revolt near Omsk, Tonal, Auborskirkutsk and Blogdomesk. A sound and conservative analysis of the present situation dictate that Kolchak should be supported at the moment because he has adopted a middle course and hopes to hold to it until such time as a Russian Cabinet, all

Russian Constituent Assembly may decide the fate of the country. By this I do not mean that the Allies should recognize the Kolchak Government, but I do believe that situation demands that it should receive whatever moral support the Allies might consistently give under existing circumstances."

Second telegram: "Following from Omsk: "47, January 22, 6 p.m. Situation Siberia today's date. Government Omsk has appointed Committee to proceed Chita to take evidence in Semenovff affair. In these (omission) is to sit under Japanese protection. Semenovff is ill and has gone. Hardener under advice of physicians.

Military situation Orenburg bad, Dutovff reported evacuating city. A battalion of Foreign soldiers refused to obey Janin's orders to proceed Orenburg assist Dutovff. General Knox has asked permission of English and Canadian Government to send assistance Dutovff but has received negative answer. It is claimed that English Canadian troops could not endure hardships of winter cross country campaign, also stated that General Knox should not split his units. Russian Government getting ready to mobilize five classes men in Tomsk District. Ambassador Regnalt shortly going Paris.

POLK, Acting.

Letter of Mr. Grew^a

American Commission to Negotiate Peace

Paris, February 2, 1919.

The Honorable David Hunter Miller,
Hotel Ritz (sic) Paris.

Sir:

By direction of the Commissioners in reference to my communication^b of January 29, 1919, and your reply^c thereto of January 31, 1919, I now have the honor to inform you that your assignment to represent the American Commission as a member of the Commission on the Responsibility for the War and its Authorization, has been changed and that the President has directed that you be delegated as a member of the Commission for the Study of International Control over Ports, Waterways and Railways. The other American Representative on this commission is the Honorable Henry White.

A meeting of the Commission for the Study of International Control over Ports, Waterways and Railways has been called for Monday, February 3rd, at 3 o'clock P.M. to be held at the Ministry of Public Works, 246 Blvd. St. Germain, Room 37, Stairway 1.

For your information there is attached a copy of the resolution^d which provides for the above mentioned commission and which was adopted at the meeting of the Peace Conference on January 25, 1919.

There is also enclosed a list^e of the members of the commission as received from the Secretary General under date of January 31, 1919.

I am, Sir,

Your obedient servant,

J. C. GREW,
Secretary.

Enclosures: 2.

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- a. See Diary, p. 104. My reply is Document 284.
b. Document 266.
c. Document 267.
d. This may be found in Document 230.
e. Not reproduced.

Letter to Mr. Grew^a

Paris, 3 February 1919.

Sir,

I have the honor to acknowledge receipt of your letter of 2 February referring to your communication of January 29, 1919, and my reply thereto of January 31, 1919, informing me that my assignment to represent the American Commission as a member of the Commission on the Responsibility for the War and its Authorization has been changed, and that the President has directed that I be delegated as a member of the Commission for the Study of International Control over Ports, Waterways and Railways, the other American representative on this Commission being the Honorable Henry White.

I have taken due note of the hour and place of the meeting of the Commission for the Study of International Control over Ports, Waterways and Railways, on this date.

A copy of the Resolution which provides for the above-mentioned Commission, and which was adopted at the meeting of the Peace Conference on January 25, 1919; also a list of the members of the Commission as received from the Secretary General, which you were good enough to enclose with your letter, have also my attention.

I am, Sir,

Your obedient servant,

DAVID HUNTER MILLER.

Honorable Joseph C. Grew,
Secretary, American Commission
to Negotiate Peace,
Hotel de Crillon.

a. See Diary, p. 104. This is the reply to Document 283.

COVENANT^a

PREAMBLE.

In order to secure international peace and security by the acceptance of obligations not to resort to the use of armed force, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE I.

The action of the Contracting Powers under the terms of this Covenant shall be effected through the instrumentality of a Body of Delegates which shall consist of the diplomatic representatives of the Contracting Powers accredited to X. and the Minister of Foreign Affairs of X. The meetings of the Body of Delegates shall be held at the seat of government of X. and the Minister for Foreign Affairs of X. shall be the presiding officer.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of Y. or of Z., in which case the diplomatic representative to X. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

It shall be the privilege of any of the Contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to be represented at any time by a special representative.

ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the field of action of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world; but all actions of the Body of Delegates taken in the exercise of the functions and powers granted to them under this Covenant shall be formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers, together with representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great Powers and the others of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Body of Delegates or by the Executive Council, except those adopted in execution of any specific powers herein granted, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees, chosen from the Body of Delegates or consisting of other specially qualified persons, for the study and systematic consideration of the international questions with which the Council may have

a. As to this draft, see Diary, p. 105, and Memorandum Regarding the Covenant, Vol. I, pp. 347, 348.

to deal, or of questions likely to lead to international complications or disputes. The Executive Council shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the Contracting Powers and with any governments or agencies which may be acting as mandataries of the League in any part of the world.

ARTICLE III.

The Contracting Parties undertake to respect and to protect as against external aggression the political independence and territorial integrity of all States members of the League.

ARTICLE IV.

The Contracting Powers recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction. It shall also require^a into the feasibility of abolishing compulsory military service and the substitution therefor of forces enrolled upon a voluntary basis and into the military and naval equipment which it is reasonable to maintain.

The Executive Council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

ARTICLE V.

The Contracting Powers agree that should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until there has been an award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the recommendation of the Executive Council.

The Contracting Powers agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to arbitrators, one of whom shall be selected by each of the parties to the dispute from outside their own nationals, when there are but two such parties, and a third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding vote to the arbitrators thus added in case of a division among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Executive Council.

On the appeal of a party to the dispute the decision of said arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the

a. *etc*; read "inquire."

Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the parties, and shall make the necessary arrangements for a full hearing, investigation and consideration. The Council shall ascertain and as soon as possible make public all the facts involved in the dispute and shall make such recommendation as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The recommendation of the Executive Council shall be addressed to the disputants. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by any of the disputants.

The Executive Council may in any case refer the consideration of a dispute to the Body of Delegates. The consideration of the dispute shall be so referred at the request of either party to the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

ARTICLE VI.

Should any Contracting Power be found by the League to have broken or disregarded its covenants under ARTICLE V, it shall thereby *ipso facto* be deemed to have committed an act of war against all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the members of the League shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restoration of peace, be subject to the regulations with regard to a peace establishment provided for new States under the terms SUPPLEMENTARY ARTICLE IV.

ARTICLE VII.

If any Contracting Power shall be found by the League to have declared war or to have begun hostilities or to have taken any hostile step short of war, against another Contracting Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or to have declared war or to have begun hostilities or to have taken any hostile step short of war, in regard to any dispute which has been decided adversely

to it by arbitrators the Contracting Powers hereby engage not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force which may be agreed upon to accomplish that object.

ARTICLE VIII.

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern of the League and to all the Contracting Powers, and the Contracting Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the Contracting Powers to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The Body of Delegates and the Executive Council shall meet in the interest of peace whenever war is rumored or threatened, and also whenever the representative of any Power shall inform the Body of Delegates that a meeting and conference in the interest of peace is advisable.

The Body of Delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

ARTICLE IX.

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power shall bring the matter to the attention of the Executive Council. The Executive Council shall in such a case, in the name of the League, invite the Power not a party to this Covenant to become *ad hoc* a party, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or to consideration shall be in all respects applicable to the dispute both in favor of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Executive Council to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

ARTICLE X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers engage thereupon to cease all commerce and communication with that Power and also to unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, and to employ jointly any force which may be agreed upon to accomplish that object. The Contracting Powers also undertake to unite in coming to the assistance of the Contracting Power against which hostile action has been taken, and to combine their armed forces in its behalf.

ARTICLE XI.

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Body of Delegates or the Executive Council, who shall thereupon tender the good offices of the League with a view to the peaceable settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League, that state shall *ad hoc* be deemed a Contracting Power. If no one of the states, parties to the dispute, shall so offer and agree, the Body of Delegates shall through the Executive Council or of its own motion take such

action and make such recommendation to the governments as will prevent hostilities and result in the settlement of the dispute.

ARTICLE XII.

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Body of Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they shall act favorably on the application, and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Body of Delegates.

ARTICLE XIII.

The Contracting Powers severally agree that the present Covenant is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

SUPPLEMENTARY AGREEMENTS.

I.

To the colonies formerly part of the German Empire, and to those territories formerly belonging to Turkey which include Armenia, Kurdistan, Syria, Mesopotamia, Palestine and Arabia, which are inhabited by peoples not able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandataries on behalf of the League.

The character of the mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

II.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-west Africa and certain of the Islands in the South Pacific, which, owing to the sparseness of their popu-

lation, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory state as if integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

III.

In every case of mandate, the mandatory state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the Executive Council in a special Act or Charter which shall reserve to the League complete power of supervision, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League for the redress or correction of any breach of the mandate by the mandatory State or agency or for the substitution of some other State or agency, as mandatory.

The object of all such tutelary oversight and administration on the part of the League of Nations shall be to build up in as short a time as possible out of the people or territory under its guardianship a political unit which can take charge of its own affairs, determine its own connections, and choose its own policies. The League may at any time release such people or territory from tutelage and consent to its being set up as an independent unit. It shall also be the right and privilege of any people or territory to petition the League to take such action, and upon such petition being made it shall be the duty of the League to take the petition under full and friendly consideration with a view of determining the best interests of the people or territory in question in view of all circumstances of their situation and development.

IV.

No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

V.

The Contracting Powers will work to establish and maintain fair hours and humane conditions of labor for all those within their several jurisdictions and they will exert their influence in favor of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Also they will appoint Commissions to study conditions of industry and labor in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

VI.

The League shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States and the Executive Council shall exact of all States seeking admission to the League, the promise to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

VII.

Recognizing religious persecution and intolerance as fertile sources of war, the Contracting Powers agree, and the League shall exact from all new States and all States seeking admission to it the promise that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

VIII.

When the rights of belligerents on the high seas outside territorial waters shall have been defined by international convention, it is hereby agreed and declared as a fundamental Covenant that no Power or combination of Powers shall have a right to overstep in any particular the clear meaning of the definitions thus established; but that it shall be the right of the League from time to time and on special occasion to close the seas in whole or in part against a particular Power or Powers for the purpose of enforcing the international Covenants here entered into.

IX.

It is hereby covenanted and agreed by the Contracting Powers that no treaty entered into by them shall be regarded as valid, binding, or operative until it shall have been published and made known to all the other States members of the League.

X.

It is further covenanted and agreed by the Contracting Powers that in their fiscal and economic regulations and policy no discrimination shall be made between one nation and another among those with which they have commercial and financial dealings.

Letter to President Wilson^a

3 February, 1919.

Sir:

I have the honor to transmit to you herewith ten texts of a draft of "Covenant,"^b printed this morning. About thirty other texts are available.

In lieu of former Supplementary Articles I, II, and III, there have been inserted, in accordance with my understanding of your direction, the substance of the provisions of the recent resolution regarding mandatories, adding, however, the first and last paragraphs of former Supplementary Article III.

The remaining changes from the former draft include only, I believe, those which were indicated by you, and a few others which followed from the changes so indicated, or which were made for conformity.

I am, Sir, with great respect,

Your obedient servant,

DAVID HUNTER MILLER.

The President,
Paris.

a. See Diary, p. 105.
b. Document 285.

Letter to Colonel House^a

3 February 1919.

My dear Colonel House:

Herewith I beg to hand you two texts of the draft of "Covenant"^b which the President last evening directed to be prepared.

Ten texts of this draft have been delivered to the President.

Very sincerely yours,

DAVID HUNTER MILLER.

Colonel E. M. House,
Hotel de Crillon.

Enclosures (2)

a. See Diary, p. 105.

b. Document 285.

Memorandum^a**Concerning the Scheme of Organization of the League of Nations
Prepared by the Swiss Commission of Experts****I.**

The scheme is divided into two different parts—(1) a *federal compact*, which contains the fundamental principles and which can exclusively be amended by means of a universal treaty, and (2) a *statute of the League* which may be changed under certain conditions by a specified majority of the States.

The purpose of this distinction is to give the component States a guarantee that they will not incur any unforeseen obligations in entering the League, and on the other hand to provide that the League of Nations is capable of being developed and is not bound in every circumstance by the requirement of the unanimous assent of all nations concerned.

II.

The scheme is based on the idea that the States of the League may on *no account recur to self-help for the settlement of their disputes*. The procedure of arbitration and mediation should insure a final and enforceable decision in all cases in which conciliation is not possible (cf. Federal compact art. 2-3, statute art. 30, 33, 43, 52).

The scheme does not go beyond providing institutions for the maintenance of peace and the development of international law. The material bases of a durable peace (democratic reform of foreign politics, equality of rights, economic freedom, international labour rights) are merely laid down as a programme in a declaration which precedes the federal compact. The immediate and general solution of these questions, which cut deeply into the constitutional law and the economic politics of the States of the League, would delay and

a. See Diary, p. 106, and note a to that page.

complicate considerably the attainment of the proposed aims (federal compact A-E).

III.

The League of Nations must be founded on the principle of *equality of States*. This does not prevent the special position of the individual States from being taken into consideration in the system of the League (cf. statute art. 2). Small States, that can offer durable guarantees for their impartiality—especially Switzerland whose traditional neutrality is laid down in the Swiss constitution and has been recognized by international law—are particularly appropriate for receiving the residence of permanent international institutions; their representatives should be given a special position in certain bodies of the League, f. i. in the Council of Mediation and in the Chancery (cf. statute art. 3, 8, 9, 27). In order that these States should be enabled to preserve entirely their independence, their *territory* should at all events be *inviolable* and remain outside any military enterprises (Federal compact art. 6).

In the organisation of the Council of Mediation, and especially of the *Permanent Delegation* of this Council allowance might be made to the fact that some States are much better able than others to enforce peace and international right within the League of Nations (statute art. 9, 49, 63). Moreover, in important decisions of the Congress of States and of the Council of Mediation, the different size of the States of the League is being taken into consideration through the provision contained in the scheme that not only the votes of the States as such shall be counted, but besides the number of the populations which are represented by these States (cf. Statute art. 60, 63). This solution excludes the possibility of a predominance of the small States over the great Powers as well as the contrary. The number of one hundred millions as highest total which may be counted for the population of one country, has been chosen as representing the average number of the populations of the Great Powers and their colonies (art. 25 of the Statute).

Finally, the unrestricted conclusion of treaties between a great or small number of States is by no means excluded, as long as they are not inconsistent with the purposes of the League.

IV.

The Members of the League must endeavour to follow a *constantly peaceful policy also towards the States which have not yet entered the universal alliance* (cf. Federal Compact art. 7). A perfect organization for the maintenance of peace is however only possible within the League of Nations; the League should consequently be open to all States that can offer guarantees for the fulfilment of the duties the membership involves (cf. Statute art. 7). In case objections should be raised against the admission of a State, the Congress shall resolve upon this question with a majority of the votes of the component States, which must represent at the same time the majority of the population of the League (Statute, art. 60B).

V.

a) In the system of the League of Nations the *Council of Mediation* represents the stable element and insures through its composition a permanent contact with the different Governments as well as between the States themselves. This Council is no government in itself but it is appropriate for continually watching politics and for influencing them in favour of the maintenance of good relations between the States.

The Council of Mediation does not only provide the members of the *commissions of conciliation*, which have to be chosen out of it by the parties in conflict (Statute art. 10), but it settles besides by means of its *Permanent Delegation* all international disputes, which can neither be solved by conciliation nor by arbitration (cf. Statute art. 39, 49 to 55). Through its composition the Delegation offers security for the impartiality of the decisions of mediation as

well as for the enforcement of the settlement through the States of the League and consequently for the maintenance of peace.

b) The organisation of judicial procedure within the League of Nations recognizes in the first place the right of the parties to form tribunals according to their own free choice (cf. Statute art. 37 & 46); moreover, it puts at their disposal a permanent tribunal, the *International Court*, which is besides competent in all cases, in which the parties can not be brought to an agreement on the formation of a special tribunal (Statute art. 37 & 39).

In the composition of the International Court neither the principle of equal representation of all nations nor the difference between big and small States should be taken into consideration. The proposed system of election of judges insures on one hand the collaboration of eminent personalities (cf. Statute art. 13), whereas on the other hand the system of recusation in the composition of the different benches aims at the greatest possible impartiality in judgment (cf. Statute art. 13). The difficulties that thwarted the project of the second Hague Conference could for the greatest part be overcome through this provision as well as through the dispositions of procedure contained in the scheme (Statute art. 40 to 48).

c) In the *Court of Conflicts* (Statute art. 17), which is partly established on the same lines as the tribunals of arbitration, the judicial and the political element are likewise represented by Members of the International Court and by plenipotentiaries at the Council of Mediation. The activity of the Court of Conflicts is only called upon in exceptional cases.

d) The *Congress of States* differs from the most international conferences which have hitherto taken place not only in the fact that it is assembled in regular intervals, but especially in its power to reach universally binding decisions on certain matters, which are either fixed in the Statute—that is to be adopted in the same time as the federal compact—or else in later unanimously adopted treaties (Statute art. 60B). Even in matters in which the ratifying power

of the component States is being reserved (Statute art. 60C), the reaching of decisions of the Congress, which are upheld by strong majorities, should be facilitated as far as possible (Statute).

e) Provisions concerning the *sanctions* have only been made as far as the question of competence is involved. In this respect the Council of Mediation must be assured the greatest possible liberty. By means of publication of the decisions of the League and by preventive measures (cf. Statute art. 50 and 59), the submission of the States in fault will generally be obtained under the influence of public opinion. In case this should not be sufficient, the Council of Mediation will determine in each case separately the moment for action and the methods to be applied.

DOCUMENT 289**Proposed Procès-Verbal of the League of Nations Commission,
Session of February 3**

CONFÉRENCE

DES

PRÉLIMINAIRES DE PAIX

ÉPREUVE.

COMMISSION

DE LA SOCIÉTÉ DES NATIONS^a

La Conférence des Préliminaires de Paix, dans sa séance plénière du 25 janvier 1919 (Protocol n° 2) a décidé de nommer, pour l'étude de la constitution de la Société des Nations, une Commission composée de quinze membres à raison de deux membres pour chacune des Grandes Puissances (États-Unis d'Amérique, Empire Britannique, France, Italie, Japon) et de cinq membres élus pour l'ensemble des Puissances à intérêts particuliers. Dans la réunion tenue par ces dernières Puissances, le 27 janvier 1919, la Belgique, le Brésil, la Chine, le Portugal et la Serbie ont été choisies pour désigner chacune un Représentant (voir annexe 6 du Protocole n° 2).

Le composition de la Commission, à la suite de la désignation de ses Représentants pour chacun des États intéressés, se trouve ainsi être la suivante :

États-Unis d'Amérique :

Le Président des États-Unis ;

Hon. Edward M. House.

Empire Britannique :

The Rt. Hon. the Lord Robert Cecil, K. C., M. P. ;

Lt.-General the Rt. Hon. J. C. Smuts, K. C., Ministre de la
Défense de l'Afrique du Sud.

^a. See Diary, p. 106, and Memorandum Regarding the Covenant, Vol. I, pp. 348, 349, *et seq.*

France :

- M. Léon Bourgeois, ancien Président du Conseil des Ministres,
ancien Ministre des Affaires étrangères;
M. Larnaude, Doyen de la Faculté de droit de Paris.

Italie :

- M. Orlando, Président du Conseil des Ministres;
M. Scialoja, Sénateur du Royaume.

Japon :

- Le Baron Makino, ancien Ministre des Affaires, étrangères,
Membre du Conseil diplomatique;
Le Vicomte Chinda, Ambassadeur extraordinaire et Plénipotentiaire de S. M. l'Empereur du Japon à Londres.

Belgique :

- M. Hymans, Ministre des Affaires étrangères, Ministre d'État.

Brésil :

- M. Epitacio Pessoa, Sénateur, ancien Ministre de la Justice.

Chine :

- M. Wellington Koo, Envoyé extraordinaire et Ministre plénipotentiaire de Chine à Washington.

Portugal :

- M. Jayme Batalha Reis, Envoyé extraordinaire et Ministre plénipotentiaire du Portugal à Pétrograd.

Serbie :

- M. Vesnitch, Envoyé extraordinaire et Ministre plénipotentiaire de S. M. le roi de Serbie à Paris.

La Commission tient sa première séance le 3 février 1919.

La séance est ouverte à 14 h. 30 à l'Hôtel Crillon sous la présidence de M. Wilson, Président des États-Unis.

PROCES-VERBAL N° I.

SÉANCE DU 3 FÉVRIER 1919.

Sont présents:

Le Président Wilson et le Colonel House (*États-Unis d'Amérique*) ; MM. Léon Bourgeois et Larnaude (*France*) ; Lord Robert Cecil et le Lt.-Gen. Hon. J. C. Smuts (*Empire Britannique*) ; MM. Orlando et Scialoja (*Italie*) ; le Baron Makino et le Vicomte Chinda (*Japon*) ; M. Hymans (*Belgique*) ; M. Epitacio Pessoa (*Brésil*) ; M. Wellington Koo (*Chine*) ; M. Jayme Batalha Reis (*Portugal*) ; M. Vesnitch (*Serbie*).

Le Président soumet à la Commission un projet de Pacte, dont le texte figure en annexe ; il est convenu que ce projet servira de base aux délibérations de la Commission.

Une discussion générale préliminaire est ouverte sur la procédure à adopter.

La réunion s'ajourne au lendemain 4 février 1919, à 20 heures 30.

ANNEXE AU PROCES-VERBAL N° I.

PROJET DE PACTE.

PREAMBULE.

Afin d'assurer la paix et la sécurité internationales et aussi dans le but d'instaurer la coopération internationale, les Puissances signataires du présent Pacte, s'interdisant de recourir à l'emploi de la force armée, s'engageant à l'observation de relations loyales, justes et honnêtes entre nations, établissant une claire conception de l'esprit du droit international devant servir de règle de conduite entre les Gouvernements, s'obligeant au maintien de la justice et au respect scrupuleux dans les relations entre peuples organisés dans toutes les obligations des traités, adoptent les clauses suivantes pour la constitution de la Société des Nations :

ARTICLE PREMIER.

Selon les clauses du présent Pacte, l'action des Hautes Parties contractantes s'exercera par des réunions de leurs délégués, par des réunions, à intervalles plus rapprochés, d'un Comité exécutif où seront représentés les États plus particulièrement intéressés dans les questions en discussion et par un Secrétariat international permanent établi dans la capitale de la Société.

ART. 2.

Des Assemblées générales des Délégués se réuniront lorsqu'il y aura lieu, dans le but de traiter des questions appartenant à la sphère d'action de la Société.

Les réunions générales des Délégués se tiendront dans la capitale de la Société ou en tel autre endroit jugé convenable et ne comprendront pas plus de deux représentants de chacune des Hautes Parties contractantes.

Les Ambassadeurs ou Ministres des Hautes Parties contractantes auront qualité pour agir comme leurs représentants.

Dans les réunions générales des Délégués, toutes les questions de procédure, y compris la nomination des Comités chargés de l'examen de questions spéciales, seront réglées par l'ensemble des Délégués, et une décision sera prise à la majorité des voix des membres présents à l'Assemblée.

ART. 3.

Les représentants des États adhérant à la Société, directement intéressés par des questions appartenant à la sphère d'action de la Société, se réuniront en Comité exécutif lorsqu'il sera jugé nécessaire.

Les États-Unis d'Amérique, la Grande-Bretagne, la France, l'Italie, le Japon seront considérés comme directement intéressés dans toutes les questions appartenant à la sphère d'action de la Société.

Des invitations seront adressées à toutes les Puissances dont

les intérêts seront directement en jeu, et aucune décision, prise lors d'une Assemblée, ne liera un État qui n'aurait pas été invité à cette réunion.

Ces Assemblées se tiendront dans tel endroit qui pourra être désigné ou, en cas de désaccord, à la capitale de la Société, et tout sujet concernant les intérêts de la Société ou portant sur des questions appartenant à sa sphère d'action ou qui pourraient affecter la paix du monde, y sera traité.

ART. 4.

Le Secrétariat permanent de la Société se tiendra à _____, qui sera considéré comme le siège de la Société. Le Secrétariat comprendra les secrétaires et le personnel nécessaires, sous la direction générale et le contrôle d'un Chancelier de la Société, qui sera désigné par le Comité exécutif et par lequel ils seront nommés, sous réserve de l'approbation du Comité exécutif.

Le Chancelier remplira les fonctions de Secrétaire dans toutes les Assemblées générales des Délégués ou du Comité exécutif.

Les frais du Secrétariat seront supportés par les États adhérant à la Société sur la même base que la répartition des frais de l'Union Postale internationale entre ses membres.

ART. 5.

Les représentants des Hautes Parties contractantes et les membres fonctionnaires (officiels) de la Société bénéficieront des privilèges et immunités diplomatiques; il sera accordé aux bâtiments occupés par la Société, par ses membres (officiels), ou par les représentants assistant à ses réunions, le privilège de l'extraterritorialité.

ART. 6.

L'admission à la Société d'États n'ayant pas signé le présent Pacte nécessite le consentement des deux tiers, au moins, de l'ensemble des Délégués.

La Société n'admettra aucun État qui ne se conformerait pas

aux principes que pourra établir la Société en ce qui concerne ses forces navales et militaires ainsi que ses armements.

ART. 7.

Les Hautes Parties contractantes s'engagent à respecter et préserver contre toute agression extérieure l'intégrité territoriale et l'indépendance politique existante de tous les États adhérant à la Société.

ART. 8.

Les Hautes Parties contractantes reconnaissent le principe que le maintien de la Paix nécessitera la réduction au minimum compatible avec la sécurité intérieure des armements nationaux; et que l'exécution des obligations internationales aura à être assurée par l'action commune; le Comité exécutif élaborera les plans appropriés permettant cette réduction. Il se renseignera également quant à la possibilité d'abolir le service militaire obligatoire dans le but d'y substituer le système du volontariat, et aussi relativement à l'équipement militaire et naval qu'il sera raisonnable de maintenir.

Les Hautes Parties contractantes reconnaissent également qu'une libre et entière publicité devra être donnée en ce qui concerne les questions relatives aux armements ainsi qu'aux programmes militaires et navals nationaux.

ART. 9.

Toute guerre ou menace de guerre, qu'elle affecte directement ou non l'une des Hautes Parties contractantes est ici déclarée comme intéressant la Société et les Hautes Parties contractantes se réservent le droit de recourir à toutes mesures qui leur paraîtront propres et efficaces pour sauvegarder la paix des nations.

Il est également ici déclaré et convenu que chacune des Hautes Parties contractantes devra attirer l'attention de l'ensemble des Délégués ou du Comité exécutif sur toutes les circonstances qui, en quelque lieu que ce soit, menaceraient de troubler la paix internationale ou le bon accord entre les nations sur lequel est fondé la paix.

ART. 10.

Les Hautes Parties contractantes conviennent que s'il venait à s'élever entre elles des différends ne pouvant être aplanis par les procédés ordinaires de la diplomatie, elles ne recourraient en aucun cas à la force armée avant d'avoir soumis les questions et les faits du litige à l'arbitrage ou à une enquête du Comité exécutif et seulement trois mois après le jugement des arbitres ou la décision du Comité exécutif; elles ne pourront avoir recours à la force armée contre un membre de la Société qui s'en rapporterait au jugement des arbitres ou à la décision du Comité exécutif.

ART. 11.

Les Hautes Parties contractantes conviennent que lorsqu'il s'élèvera entre elles un différend ou une difficulté susceptible d'être soumis à l'arbitrage et ne pouvant être réglé par la diplomatie, elles soumettront la question pleine et entière à l'arbitrage et s'en tiendront de bonne foi au jugement rendu ou à la décision qui sera prise.

ART. 12.

Le Comité exécutif élaborera les plans pour la création d'un Tribunal international permanent; ce Tribunal, une fois constitué, aura qualité pour entendre et juger toute question que les Parties reconnaîtront devoir être soumise à l'arbitrage en conformité de l'article précédent.

ART. 13.

S'il venait à s'élever, entre les États ayant adhéré à la Société, quelque désaccord susceptible de conduire à une rupture, qui ne soit pas soumis à l'arbitrage comme prévu ci-dessus, les Hautes Parties contractantes conviennent qu'elles soumettront l'objet du litige au Comité exécutif; n'importe laquelle des Parties en désaccord pourra en aviser le Chancelier qui prendra toutes les dispositions pour qu'il soit procédé à une enquête et à un examen approfondis. A cet effet les Parties conviennent de communiquer au Chancelier un état

de leurs revendications ainsi que tous les faits et documents s'y rattachant.

Lorsque les efforts du Comité exécutif tendront au règlement du désaccord, un procès-verbal indiquant la nature du désaccord et les termes du règlement et donnant les explications jugées utiles sera préparé pour publication. Si le désaccord ne peut être réglé, un rapport du Comité sera publié faisant ressortir, avec tous les faits et explications nécessaires, les recommandations que le Comité considérerait comme justes et appropriées au règlement du désaccord. Si le rapport est approuvé à l'unanimité par les membres du Comité, n'étant pas parties au désaccord, les Hautes Parties contractantes conviendront qu'aucun d'eux n'entrera en guerre avec une Partie s'étant conformée à ses recommandations. Si ce rapport ne peut être approuvé à l'unanimité des membres, il sera du devoir de la majorité de faire une déclaration, indiquant ce qu'ils croient être les faits de la controverse et contenant les recommandations qu'ils considèrent comme justes et appropriées.

Le Comité exécutif peut dans tous les cas, en vertu de cet article, soumettre le différend à l'Assemblée des Délégués. Le différend pourra ainsi être soumis à l'Assemblée, à la requête de l'une ou l'autre des Parties au désaccord. Dans tous les cas soumis à l'Assemblée des Délégués, toutes les clauses de cet article relatives à l'action et au pouvoir du Comité exécutif s'appliqueront également à l'action et aux pouvoirs de l'Assemblée des Délégués.

ART. 14.

Dans les cas où la Société considérerait que l'une des Hautes Parties contractantes a rompu ou ignoré les engagements pris par elle selon l'article 10, cette partie sera *ipso facto* considérée comme ayant commis un acte de guerre envers tous les autres membres de la Société, ce qui l'exposera immédiatement à la rupture de toutes relations commerciales ou financières, à l'interdiction de toutes relations entre ses citoyens et les citoyens de la Société et à la cessation dans

la mesure du possible de toutes relations financières, commerciales ou personnelles entre ses citoyens et ceux des autres États, qu'ils soient ou non membres de la Société.

Dans ce cas il sera du devoir du Comité exécutif de spécifier l'importance des contingents militaires ou navals que chacun des membres de la Société devra fournir pour constituer la force armée destinée à protéger les engagements de la Société.

Les Hautes Parties contractantes conviennent en outre qu'elles s'entr'aideront en ce qui concerne les dispositions financières ou économiques qui seront prises aux termes de cet article pour réduire au minimum les pertes et inconvénients résultant des mesures prescrites et qu'elles s'entr'aideront pour résister à des mesures prises à l'égard de l'une d'elles par l'État qui a rompu ses engagements; elles s'engagent également à permettre aux forces des Hautes Parties contractantes qui coopéreront pour protéger les engagements de la Société le libre accès de leur territoire.

ART. 15.

En cas de désaccord entre un État membre de la Société et un autre qui n'y aurait pas adhéré ou entre plusieurs États n'étant pas membres de la Société, les Hautes Parties contractantes conviennent que cet État ou ces États seront invités à devenir *ad hoc* membres de la Société; sur leur acceptation de cette invitation, les clauses ci-dessus seront appliquées avec telles modifications qui seront jugées nécessaires par la Société.

Dès l'envoi de cette invitation, le Comité exécutif instituera une enquête sur les faits et les causes du désaccord et conseillera telle solution qui lui semblera la meilleure et la plus efficace en la circonstance.

Si une Puissance ainsi invitée à participer à la Société refusait de devenir membre et prenait une attitude agressive à l'égard d'un État adhérent à la Société, ce qui pour un État adhérent à la Société constituerait une infraction à l'article 10, les clauses de l'article 14 seront applicables à l'État ayant pris cette attitude.

ART. 16.

Les Hautes Parties contractantes confient à la Société la surveillance générale du commerce, des armes et munitions avec les pays où, dans l'intérêt commun, ce contrôle est nécessaire.

ART. 17.

En ce qui concerne les territoires qui appartenaient autrefois à l'Empire allemand ou à la Turquie, et qui sont habités par des populations encore incapables de s'assurer le bénéfice d'une administration stable, les Hautes Parties contractantes conviennent que le bien-être de ces populations constitue un dépôt sacré pour la civilisation et impose aux États adhérant à la Société l'obligation de les aider et les guider dans le développement de leur administration. Ils reconnaissent que toute ligne de conduite, eu égard à l'administration et au développement économique, devrait être basée en premier lieu sur les intérêts bien considérés des populations elle-mêmes, sur le maintien du système de la "porte ouverte" et sur les mêmes facilités pour toutes les Hautes Parties contractantes quant à l'emploi et au développement des ressources économiques du territoire. Aucune force militaire ou navale ne sera constituée par les habitants de ces territoires en dehors de celle nécessaire à la défense et à la police intérieure.

ART. 18.

Les Hautes Parties contractantes s'efforceront d'établir et de maintenir des heures raisonnables et des conditions humaines de travail pour tous les individus dépendant de leurs juridictions respectives; elles exerceront leur influence en faveur de l'adoption et du maintien d'un système semblable et des mêmes garanties partout où s'étendront leurs relations industrielles et commerciales. Ils nommeront également des commissions pour étudier les conditions de l'industrie et du travail au point de vue international et prendre des décisions à ce sujet, y compris l'extension et l'amélioration des conventions en cours.

ART. 19.

Les Hautes Parties contractantes sont d'accord de ne faire aucune loi interdisant le libre exercice des cultes ou y mettant entrave et de n'établir aucune distinction de droit ou de fait, à l'égard des personnes qui pratiqueraient une religion spéciale, ou une croyance ne portant pas atteinte à l'ordre public ou aux principes publics de morale.

ART. 20.

Les Hautes Parties contractantes se mettront d'accord quant aux dispositions qu'il conviendrait de prendre en vue d'instituer et de maintenir la franchise du transit et un traitement équitable pour le commerce de tous les États adhérant à la Société.

ART. 21.

Les Hautes Parties contractantes conviennent de faire enregistrer et publier sans délai par le Chancelier tout traité ou convention internationale passée entre les États membres de la Société.

ART. 22.

Les Hautes Parties contractantes sont d'accord individuellement pour que le présent Pacte abroge toutes obligations *inter se* qui seraient en contradiction avec ses clauses; elles s'engagent solennellement à ne prendre à l'avenir aucun engagement en contradiction avec les clauses dudit Pacte.

Au cas où l'une des Puissances signataires du présent Pacte ou admise par la suite dans la Société se trouverait antérieurement liée par certains engagements en contradiction avec les termes dudit Pacte, il serait de son devoir de prendre des dispositions immédiates en vue de se dégager de ces obligations.

DRAFTING THE LEAGUE COVENANT^a
(For Release in American Papers of Sunday, Feb. 23.)

NOTE: The following material has been prepared to answer many questions as to the procedure by which the Covenant of the League of Nations was drawn up. Owing to its length, its release has been set for the American papers of Sunday, February 23rd, which will allow the use of reduced press cable rates. It is issued for the confidential information of correspondents on the same understanding as material given out verbally at the Conference and with the express understanding that no statements included will be ascribed to any member of the Mission or Government, who assume no responsibility therefor.

During the past two weeks, meetings of nineteen men have been held in Colonel House's room on the third floor of the Hotel Crillon, the workshop of the American Commission to Negotiate Peace. There the Commission on the League of Nations drew up its Covenant.

There is nothing particularly impressive about Room 351. It is the kind of reception room that may be found in many a French hotel. It is large, high and decorated in the rather elaborate French style. But whatever its appearance may be while it is being used for everyday purposes, it assumed a wholly different look during the meetings of the Commission. In the center of the room, a big round table covered with red cloth. Around the table, nineteen chairs for the nineteen members of the Commission. Slightly behind yet scattered through this circle of seats, a number of other chairs for French and English translators. In the corners, three or four desks, and around the walls occasional chairs for any secretaries whom the members might care to bring with them. All in

a. Author, W. H. Shepardson. See Diary, p. 106, and Memorandum Regarding the Covenant, p. 350.

all, the tables might have been laid for a meeting of the Cabinet or an American board of directors.

In this room the Commission met ten times during eleven days. They came together in the morning, afternoon or evening at hours which would not conflict with the program of the Peace Conference itself, whose work envisaged their own, or with that of the Supreme War Council, then engaged upon pressing questions relating to the renewal of the Armistice. It might be figured out that the meetings averaged three hours in length; but it is hardly appropriate to speak of averages in this connection. No time was set by the Commission for the termination of the day's work. There was a job to be done, and a man's own time was a secondary consideration. Nobody looked at the clock.

It appears inconceivable that a constitution of the League of Nations could have been drawn in thirty hours. It was done, but the bald statement is misleading, for it fails to take certain things into account. It says nothing, for instance, of a single expedient by which the task of the Commission was cut clearly in half. Whether one spoke in English or in French, it made no difference. As he talked there might be heard the low hum of interpreters translating his remarks word by word and phrase by phrase. Every moment of the thirty hours was made to work, and no time was lost in the slow but prevailing process of retranslation.

It fails likewise to reckon in all the thought which had previously been given to the subject. Each one of the statesmen who sat around the table had formulated definite ideas on the subject, and came to the conferences with an illuminated and active mind. Even before America's entry into the war, President Wilson had stood before the Senate and had advocated the formation of a League of Nations. During the war he had developed his plan in long conversations with his closest advisors. After the Armistice he had come to Europe, the first president to leave the United States, to

urge the consideration of the League as the first and basic problem of the Peace. Colonel House sat beside him at the table.

Lord Robert Cecil, with his scholarly mind, his practical sense and his large vision, was ably seconded in presenting the point of view of the British Empire by General Smuts, the great Boer leader of other days, a member of the British War Council and the author of a widely read pamphlet on the League idea. Léon Bourgeois, well advanced in years of service at the Hague Conferences in the interests of peace, had with him Larnaude, Dean of the Faculty of Law at the Paris School of Law. Orlando, Italy's vivid prime minister and an eminent jurist as well, had Senator Scialoja as his colleague in expressing the mind of the Government at Rome; while Baron Makino, Japanese Foreign Minister, and Viscount Chinda, her ambassador at London, contributed the keen and quiet opinion of the Far-Eastern country.

Though these five Powers were each represented by two members on the Commission, its deliberations were not dominated by their views. There also sat down to the table Hymans, the Belgian Foreign Minister; Senator Pessôa of Brazil; V. K. Wellington Koo, China's Minister at Washington; Kramář, Prime Minister of the Czecho-Slovak Republic; Veniselos, Prime Minister of Greece; Dmowski, President of the Polish National Committee; Jayme Batalha Reis, Portuguese Minister to Petrograd; Diamandy, Minister Plenipotentiary of Roumania, and Vesnitch, Serbian Minister at Paris. They included representatives of the Far East, South America, and the oldest and the newest States of Europe. This striking group of statesmen, so keenly interested that they presented an unbroken record of attendance at the meetings, contributed to the discussions a force and vision which rivalled that of the Greater Powers.

The meetings were business-like to a degree. The members invariably came together on the hour, exchanged a word of greeting as they made their way to their seats, took the documents of the

day out of their portfolios, and proceeded with the next article. Each of them found on the table before him all new papers upon which discussion might depend. Every day, as the Commission made progress through the draft, there was laid at each place a revised copy indicating just what had been accomplished on the day before. If there were amendments to be proposed by any member, he saw to it that they were typewritten and distributed so that each of his colleagues might examine their merits in advance.

The meetings were marked by extreme simplicity. Diplomatic dress had disappeared with the diplomacy of the past. Each man wore what was convenient—dinner-coat, morning-coat or business suit—and the business suit prevailed. There was none of that sense of the overwhelming significance of the task which is sometimes the death of decision. They went about the matter in a commonplace way.

There were no orations. There was no spinning out of useless technical distinctions. Plain speaking prevailed. From the first it was agreed that the meetings should consist of informal interchanges of ideas of which no stenographic report was to be kept. In fact, it was not until the third meeting that Secretaries were named, and even then with instructions to record only amendments proposed, conclusions reached, and a brief analysis of the arguments in order that the trend of thought might be clear. The men wanted to think aloud. Their work was one which called for the frankest and freest examination of all phases of the project. They wanted to shake off the reticence which is provoked by the presence of the court-stenographer. They gave up the privilege of perpetuating their words in order that they might speak with absolute freedom.

President Wilson presided over every meeting except the last. He induced discussion where it was needed. He checked it when it ran too far or became involved in technicalities. He was sympathetic toward every view put forward. He was decisive when

he spoke for the United States. Throughout the meetings he secured the delicate balance of practical good sense. At one moment when imagination had led the Commission far into the future, a smile came over his face as he remarked, "Gentlemen, I have no doubt that the next generation will be made up of men as intelligent as you or I, and I think we can trust the League to manage its own affairs." And the Commission came back to the thing in hand.

The first meeting, that of the 3rd of February, was very brief. The Commission came together; the President spoke a few words and laid before them a draft plan which they agreed to use as the basis of discussion. So day after day the Draft was held up to the light and criticised and amplified. On the evening of February 12th, at the end of the eighth meeting, the first reading was completed.

Though the project emerged unchanged in principle, the draft had been altered in many details and there were before the Commission various proposed amendments and changes in phraseology. It was decided to put the Covenant into the hands of a Drafting Committee composed of MM. Larnaude, Lord Robert Cecil, Veniselos and Vesnitch for a thorough overhauling.

Late the following evening their work was finished, and the printing press was busy all through the night so that the amended draft might be on the table the next morning. In addition to the satisfaction of a job well done, the American soldiers who set the type and corrected proof and ran the press will treasure the letter of thanks which the President sent them before he sailed. The second reading began on Thursday at ten o'clock, but by one, only the first seven Articles had been finally adopted. Perhaps with the assurance that the 13th could not fail to mark another momentous event, the President excused himself and left to attend a critical meeting of the Supreme War Council that afternoon at the Quai d'Orsay.

The Commission resumed their work at 3:30 in the afternoon under the leadership of Lord Robert Cecil. One by one they took up the remaining Articles; one by one they were passed upon. At 7:48 Lord Robert, sitting low in his chair and holding the lapels of his coat, read the Twenty-sixth Article:

"Amendments to this Covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the Body of Delegates."

"Is there any objection to this Article?" He waited a moment. "If not, it is adopted. Gentlemen, our work is done. The President of the United States will report our conclusions to a plenary session of the Conference tomorrow."

They left the room.

DOCUMENT 291

**Secretary's Notes^a of a Conference Held in Colonel House's Rooms
at the Hotel Crillon, Paris, on Monday, February 3rd, 1919
at 2:30 p. m. to Draft a Plan for the League of Nations**

PRESENT:*United States of America*

President Wilson

Colonel House

British Empire

Lord Robert Cecil

Lt. General Hon. J. C. Smuts

France

M. Léon Bourgeois

M. Larnaude

Italy

M. Orlando

M. Senator Scialoja

Japan

M. Viscount Chinda

M. Otchiai

Belgium

M. Hymans

Brazil

M. Epitacio Pessoa

China

Dr. H. E. Wellington Koo

Serbia

M. Vesnitch

Portugal

M. Jayme Batalha Reis

President Wilson urged the great importance of the present undertaking, the most difficult thing ever undertaken in international

a. See Diary, p. 106, and Memorandum Regarding the Covenant, Vol. I, p. 354.

relations. It is intolerable to have a situation presented such as existed at the beginning of this war. The great nations did combine against the Central Empires. By so doing they became conscious of their common interests. A basis was laid for the League of Nations. The League of Nations is no longer optional; it is compulsory. The constitution for it must be thought out by the delegates. The League must not only function but must also accomplish the objects foreseen for it.

It has been studied for some time theoretically. The students must now address themselves to a practical plan rather than a theoretical one. Plans have been formulated by various nations. There is no idea that the nations preparing them will fight for their own particular plans. They are all for a common purpose. There have been informal conversations which have shown that there is accord. At a meeting of the President, Colonel House, Lord Robert Cecil and General Smuts it was suggested that the various plans be reduced to one simple skeleton. This has been done. The President suggested that this draft thus made be taken piece by piece and discussed. He urged that the main thing was to get something definite right away and then to make progress.

M. Léon Bourgeois thought that it would be difficult to proceed until an opportunity had been offered to examine the draft.

Signor Orlando agreed to discuss the draft that had been arrived at in the informal conversations. He further agreed that it should be discussed first in a general manner and then specifically. He thought that it should be translated into French and that the delegates should be allowed twenty-four hours to study it.

M. Léon Bourgeois agreed with Signor Orlando in regard to the discussion of general principles. He then said that if these meetings were to be more than formal that a secretariat of the commission should be presented.

Lord Robert Cecil thought that there had already been a great deal of discussion and that he thought the commission should get

down to details. He did not favour meeting today to arrange formalities, tomorrow for general discussion and the next day for details. The whole world is watching what is taking place in this commission.

President Wilson said that this was called an informal meeting for two reasons: first, there was no time to organize; second, if the meetings are formal with secretaries each day's proceedings will be the subject of discussion. The task of this commission is much like that of the Commission that drew up the constitution of the United States. The proceedings of that body were withheld from the public until its whole work was accomplished. The President hopes this commission will likewise proceed in a sufficiently informal manner to safeguard its processes. It was, therefore, called informal in order to keep its proceedings from general discussion. The President feels strongly on this subject. The frankest discussion is required.

M. Hymans wanted a general discussion which needs not necessarily be formal. He did not ask for delay but believed that time should be given to read over the various drafts and study them.

M. Léon Bourgeois stated he did not mean by an organization of the secretariat that the proceedings of the mission should be given to the public, but that the secretaries should be present for the purpose of assisting the commissioners.

He believed that the consideration of the text of the draft article by article should be put over for a day until an opportunity had been afforded for studying it. He believed that the discussion of it, article by article, should be preceded by a general discussion.

Lord Robert Cecil saw no advantage in a general discussion when no differences of opinion had been shown to exist.

Signor Orlando thought a general discussion unnecessary because the powers have come to an understanding on general principles in the informal conferences. He thought that the mission could pass to a discussion of the articles.

M. Hymans suggested that without having a general discus-

sion if any member wished to make a general declaration of principles he should be permitted to do so.

M. Vesnitch raised two questions: first, as to the representation of the small nations in the League of Nations, and, second, as to whether the organization should be called the "Society of Nations" or the "League of Nations." He thought that the word "League" implied force.

Dr. Wellington Koo wished to know the feeling of the commission as to furnishing the nations not represented with copies of the plans discussed.

President Wilson objected to this on the grounds that it would lead to publicity.

Lord Robert Cecil called attention to the fact that M. Vesnitch's discussion on the representation of the smaller nations might well have been arrived at under the detailed discussion of Article 3 of the draft rather than under the general discussion of principles.

President Wilson stated that the question of representation of the small nations was one of the most delicate ones to be dealt with. In case of war the great nations would have the greater burden in upholding any member of the League who might be attacked. Of course, the smaller nations would also be interested but would not be called upon as heavily as the greater nations.

Signor Orlando suggested taking up the subject raised by M. Vesnitch as to a name. He thought that the word "League" was already associated with the project. He also thought that the word "League" had in it the idea of something binding and stated that he preferred it to the word "Society."

M. Léon Bourgeois preferred the word "Society" for the reason that historically speaking the word "League" brings with it the idea of strife. Leagues have always been formed with the idea of an enemy before one. He thought that the idea of a society meant that the organization was not against anyone.

M. Jayme Batalha Reis suggested calling the organization a "Society of States" rather than of nations.

Lord Robert Cecil thought that the difference between the words "Nations" and "States" was a very small one.

He asked what suggestion should be given to the Press about the meeting.

President Wilson suggested the following: "We met to compare views as to how to proceed and decide upon a procedure which would advance the matter."

M. Léon Bourgeois went into a discussion as to the order in which nations should be admitted into the League. He thought that the Allied Nations should be admitted first and later the neutral nations. After the enemy nations have complied with all the terms which will be required of them by the Treaty of Peace they could be considered as free nations and might be admitted.

M. Hymans and M. Jayme Batalha Reis argued that more than twenty-four hours' time should be allowed in order to permit the delegates to read over the various plans and study them.

Signor Orlando urged the necessity of hurrying.

M. Léon Bourgeois asked time to have the plans translated, to study them and to consult with his government.

President Wilson stated that if the delegates consulted with their governments they would not arrive anywhere. There is no use consulting one's government about each particular point. The duty of the delegates is to form a plan and to present it to their governments.

The meeting adjourned to meet at 8:30 p.m. February 4th at the same place.

The following communiqué was issued to the press:

"The commission met to compare views as to procedure and to arrive at a method of procedure which would facilitate progress.

"It was agreed that an accord in principle had been reached by the resolution previously passed by the Conference, and that discussion should proceed accordingly at the next meeting, which will be held at the Hotel Crillon tomorrow evening at 8 o'clock."

**The Commission of the League of Nations^a
Meeting of February 3, 1919,
At The Hotel Crillon at 2:30 p. m.**

PRESENT:

United States of America

President Wilson

Colonel House

British Empire

Lord Robert Cecil

Lt. General Hon. J. C. Smuts

France

M. Léon Bourgeois

M. Larnaude

Italy

M. Orlando

M. Senator Scialoja

Japan

M. Viscount Chinda

M. Otchiai

Belgium

M. Hymans

Brazil

M. Epitacio Pessoa

China

Dr. H. E. Wellington Koo

Serbia

M. Vesnitch

Portugal

M. Jayme Batalha Reis

a. See Diary, p. 106, and Memorandum Regarding the Covenant, Vol. I, p. 354.

The Commission met for the first time. President Wilson took the chair.

President Wilson addressed the Commission and laid before the meeting a Draft Covenant, the text of which is contained in the Annex, which it was agreed should form the basis of the Commission's deliberations.

A general discussion followed dealing with the procedure to be adopted.

The meeting adjourned to meet at 8.30 p. m. February 4th at the same place.

(Joint Secretaries of the Commission appointed February 5th.)

Letter of Mr. Grew^a

American Commission
to Negotiate Peace.

Paris, February 1, 1919.

My dear Mr. Miller:

I take pleasure in informing you that at a meeting on January 31 of the American Commissioners, a recommendation that one set of the secret notes of the informal meetings of the four Allied Great Powers and the United States at the Quai d'Orsay should be sent to you was approved. Accordingly every effort will be made hereafter to see that you are supplied promptly with the notes above mentioned.

At my earliest opportunity I shall also see that you are supplied with a complete file of the notes which have been thus far prepared.

In order to guard against leakage or loss, every precaution is taken to insure the safe delivery of these secret documents to the persons addressed, and I should be grateful if you would inform me of the name of any person or persons in your office whom you will authorize to receive them for you in the process of distribution.

Very sincerely yours,

J. C. GREW,
Secretary.

Mr. David Hunter Miller,
4 Place de la Concorde,
Paris.

a. See Diary, p. 107. For reply see Document 294.

DOCUMENT 294**Letter to Mr. Grew^a**

Paris, 3 February 1919.

My dear Mr. Grew:

I thank you for your letter of February 1st, informing me that at a meeting of the American Commissioners a recommendation that one set of the secret notes of the informal meetings of the Four Allied Great Powers and the United States, at the Quai d'Orsay, should be sent to me, was approved.

I note that my file of these papers will be completed, and, indeed, some of them have already been received.

Pursuant to your request I append the names of the following persons in my office whom I have authorized to receive these papers for me in the process of distribution:

Lieutenant J. F. Manly

Mr. Hall Kinsey

Mr. Malcolm D. Simpson

Mr. J. J. McNerney

Very sincerely yours,

DAVID HUNTER MILLER.

Honorable Joseph C. Grew,
Secretary, American Commission
to Negotiate Peace,
Hotel de Crillon.

a. See Diary, p. 107. This is the reply to Document 293.

AMERICAN COMMISSION TO NEGOTIATE PEACE

U. S. COURIER SERVICE.^a

Berlin, 3 February 1919

**Summary of First Reports From Officers Sent to Berlin With Capt.
Gherardi to Establish Courier Service Between Germany
and Paris***I. Observations in Cologne.*

Cologne is occupied by the Second British Army under command of General Plummer. In the city itself are the Scots and Irish Guard Regiments, the Grenadier and the Coldstream Guards. Col. David H. Biddle is the American Liaison Officer at Second Army Headquarters, Hotel Excelsior, Cologne.

Accommodations can be had at the British E. F. C. Club at the station. The Germans in Cologne appear to be in an unhealthy condition. The children especially appear to be "pinched."

The British regulations are that all Germans must be off the streets by 9:00 P. M. Restaurants are closed to them at 8:00 P. M. All Germans in uniform are required to salute all Allied officers. It is understood that these rules are more stringent than those in force at Coblenz. The stores appear to be prosperous. Many cigar stores were observed but there is a shortage of food and nothing but light wines can be obtained at the cafés. The population appears to be apathetic and depressed.

II. En Route from Cologne to Berlin.

The train (Spa-Cologne-Berlin Express) is operated under the terms of the armistice. It has a sleeping car but no dining car. Only tea and coffee can be obtained on it. Schedule time between Cologne and Berlin—about 14 hours.

The route of the train from Cologne passes through Hagen, Arnsberg, Göttingen, Magdeburg and Potsdam.

a. See Diary, p. 107.

III. Observations in Berlin.

Aside from a few attempts at "jostling," the party met with no discourtesy.

There are, apparently, aside from those who have been living there for many years, less than a dozen Americans in Berlin, exclusive of the party of the American Commission to Negotiate Peace. General Harries has a party of about six persons. Mr. W. H. Husbands of the American Red Cross has a small party and there are a few newspaper reporters.

It is said that there are about 1,000,000 men under arms in Germany. The officers are elected by the Soldiers' Council (Soviets), but are apparently always from the officer class. Almost none have been elected from the ranks.

It is commonly said that the ability of the government to hold the people depends upon its ability to feed them. There has been no serious trouble since the first week in January.

The Americans are all getting "passes" for Berlin, without which it is not advisable to circulate in the city to any great extent. Outside of the dance halls, there appears to be little danger of getting into serious trouble. Allied officers can go to the Opera and the theatres unmolested. Workmen occupy the Royal Box at the Opera.

There is a serious outbreak of influenza in Berlin. About 2000 deaths from it are reported per day.

There is said to have been a slight change during the past two weeks in the attitude of the people tending toward a reversion to the "Prussian Spirit."

Food is scarce and prices are high.

IV. Schedule of Routes between Paris and Berlin.

(1) Via Nancy, Metz, Trèves and Cologne. (One change at Trèves.) Schedule Time—44 hours. Actual time by first courier—49 hours.

Leave Berlin	8:47	P.M.	Arrive Cologne	10:44	A.M.
Leave Cologne	7:22	P.M.	Arrive Paris	5:00	P.M.
Leave Paris	8:15	P.M.			
Leave Cologne	12:49	A.M.	Arrive Berlin	2:00	P.M.

(2) Via Brussels, Charleroi, and Cologne. (Change at Brussels, Charleroi and Cologne.) Time—60-66 hours.

Leave Paris	6:45	A.M.	Arrive Brussels	10:30	P.M.
Leave Brussels	7:30	A.M.	Arrive Charleroi	10:30	A.M.
Leave Charleroi	4:00	P.M.	Arrive Cologne	5:00	A.M.
Leave Cologne	12:49	A.M.	Arrive Berlin	2:00	P.M.

Return trip information not yet available.

(3) Via Berne, and Munich. Time—92 hours.

Leave Paris	8:25	P.M.	Arrive Berne	4:00	P.M.
Leave Berne	6:00	A.M.	Arrive Munich	11:30	P.M.
Leave Munich	7:25	P.M.	Arrive Berlin	10:30	A.M.

Officer Courier Service between Paris and Berlin, via Cologne, operated three times per week, will be established at once. The schedule will be announced in the next courier bulletin. The Headquarters of the Courier Service in Berlin are at present in the Esplanade Hotel, Bellevue Strasse. They will probably soon be transferred to the building of the old American Embassy.

AMOS J. PEASLEE,
Major, U. S. A.
Director of U. S.
Courier Service.

AJP/HJH.

Report of Polish-Czecho-Slovakian Agreement^a

Feb. 3, 1919.

The Representatives of the Great Powers, having been informed of the conflict which has arisen between the Czechs and Poles in the Principality of Teschen, in consequence of which the mining district of Ostrawa-Karwin and the railway from Oderberg to Teschen and Jablungkau has been occupied by the Czechs, have declared as follows:

In the first instance they think it necessary to remind the nationalities who have engaged to submit the territorial questions which concern them to the Peace Conference, that they are, pending its decision, to refrain from taking as a pawn or from occupying the territories to which they lay claim.

The representatives take note of the engagement by which the Czech Delegates have declared that they were definitively stopping their troops on the line of the railway which runs from Oderberg to Teschen-Jablungkau.

Pending the decisions of the Peace Congress as to the definitive assignment of the territories that part of the railway line to the North of Teschen and the mining regions will remain in the occupation of Czech troops while the southern section of the line starting from and including the town of Teschen down to Jablungkau will be entrusted to the military supervision of the Poles.

The undersigned consider it indispensable that a Commission of Control should be immediately sent to the spot to avoid any conflict between the Czechs and Poles in the region of Teschen. This Commission, apart from the measures that it will have to prescribe, will proceed to an enquiry on the basis of which the Peace Conference may form its decision in fixing definitively the respective fron-

a. See Diary, p. 107.

tiers of the Czechs and Poles in the contested zone. The seat of this Commission will be situated in the town of Teschen.

In order to seal the Entente between two friendly nations which should follow a policy in full accord with that of the Allied and Associated Powers, the representatives of the Great Powers register the promise of the Czech representative that their country will put at the disposition of the Poles all its available resources in war material and will grant to them every facility for the transit of arms and ammunition.

The exploitation of the mines of the Karwin-Ostrawa district will be carried out in such a way as to avoid all infraction of private property while reserving any police measures which the situation may require. The Commission of Control will be empowered to supervise this and if necessary to secure to the Poles that part of the output which may be equitably claimed by them to meet their wants.

It is understood that the local administration will continue to function in accordance with the conditions of the pact of the 5th November, 1918, and that the rights of minorities will be strictly respected.

Pending the decision of the Peace Congress, political elections and military conscription will be suspended in the Principality of Teschen.

No measure implying annexation of all or of a part of the said Principality either to the territory of Poland or of Czecho-Slovakia taken by interested parties shall have binding force.

The Delegates of the Czech Nation engage to release immediately with their arms and baggage the Polish prisoners taken during the recent conflict.

WOODROW WILSON
D. LLOYD GEORGE
V. E. ORLANDO
G. CLEMENCEAU
ROMAN DMOWSKI
E. BENES

DOCUMENT 297**Memorandum of Transmittal^a**

Paris, 3 February 1919

FROM: David Hunter Miller and
Major James Brown Scott,
Technical Advisors.

TO: Honorable Joseph C. Grew, Secretary.

SUBJECT: Documents regarding the Revision of Treaties of April
19, 1839.

1. In accordance with your request, we have the honor to hand you herewith for transmission to the Office of the Secretary of State, a Summary^b of the important points raised in these documents,^c together with a statement of our views upon the juridical aspect of the subject matter thereof.

2. The documents regarding the revision of the Treaties of April 19, 1839, are returned herewith.

DAVID HUNTER MILLER,
JAMES BROWN SCOTT,
Technical Advisors.

Enclosures.

a. See Diary, p. 108.

b. Document 301.

c. Documents 299, 300, 301.

Revision des Traités du 19 Avril 1839^a

Le 26 juillet 1917, à la séance de clôture de la Conférence des Alliés réunie au Ministère des Affaires Etrangères à Paris, le Ministre des Affaires Etrangères de Belgique s'exprima comme suit :

"Le statut international établi en 1831-1839 pour garantir la sécurité de la Belgique est devenue caduc par la violation du traité collectif par deux de ses signataires. Il doit être révisé. A cet effet, il est désirable que les puissances garantes restées fidèles à leurs engagements réunissent bientôt leurs représentants pour examiner avec la Belgique les stipulations du traité nouveau qui doit remplacer l'ancien * * * et délibérer sur nos revendications;"

Ainsi, la résolution de la Belgique de poursuivre à la conclusion de la Paix la revision des traités du 19 avril 1839, fut portée à la connaissance de tous les gouvernements alliés dès 1917.

Au lendemain de l'armistice, le gouvernement du Roi chargea ses représentants à Londres et à Paris, de rappeler cette décision aux gouvernements auprès desquels ils sont accrédités.

Plus récemment, donnant suite à l'intention qu'il avait exprimée en 1917, il invita les mêmes gouvernements à délibérer avec lui au sujet de la revision des traités de 1839.

Le 19 avril 1839 les grandes puissances de l'époque (Autriche-Hongrie, France, Grande-Bretagne, Prusse et Russie) imposèrent à la Belgique et à la Hollande un système conventionnel par lequel

1°—elles fixaient les limites territoriales des deux Etats en partageant entre eux les provinces qu'elles avaient réunies en 1815 pour en former le royaume des Pays-Bas.

a. This is a Belgian Memorandum. With it were Documents 299 and 300. For a summary of this paper, see Document 301. See also, Diary, p. 108.

2°—elles réglaient une série de questions intéressant la Belgique et la Hollande, telles que le partage des dettes et le régime des fleuves qui séparaient ou traversaient les deux nouveaux royaumes.

3°—elles imposaient à la Belgique la neutralité permanente.

4°—elles plaçaient sous leur garantie l'ensemble des arrangements conclus sous leurs auspices entre la Belgique et la Hollande.

Le système fut consacré par trois conventions principales dont une signée par les cinq grandes puissances avec le Roi des Pays-Bas, la seconde par le Roi des Pays-Bas avec le Roi des Belges, la troisième par le Roi des Belges avec les cinq puissances.

Toutes ces conventions furent imposées à la Belgique comme à la Hollande. Le traité hollando-belge pas plus que les autres ne fut le résultat d'une libre négociation entre ces deux Etats. Sa conclusion ne fut acquise qu'au prix d'une pression exercée sur l'un et sur l'autre par le concert des puissances.

Pendant près de huit ans—de 1831 à 1839—la Hollande résista à leur volonté. Quant à la Belgique, elle ne s'inclina devant les exigences de l'Europe qu'avec de vives répugnances. Elle n'accepta la neutralité obligatoire, considérée par elle à juste titre comme une limitation de la souveraineté, et qui lui paraissait une humiliation, que parce qu'elle fut induite à penser que ce statut la mettrait définitivement à l'abri du danger d'être entraînée dans des conflits armés entre les grandes puissances. Elle ne se résigna au démembrement de son territoire que parce qu'en s'obstinant à défendre son intégrité territoriale contre la volonté de l'Europe, elle risquait de provoquer une conflagration générale. Les protestations du Parlement belge et du Roi Léopold Premier lorsqu'il signa les traités de 1839 en font foi. Celles des organes autorisés des provinces arrachées à la Patrie, ne sont pas moins formelles et décisives à cet égard.

Les sacrifices de territoires et de souveraineté consentis par les Belges le furent en vain. Une guerre éclatant entre les grandes puissances pour des causes auxquelles la Belgique était étrangère a

ravagé notre pays. Ainsi s'est abattu sur notre peuple le péril même dont la neutralité perpétuelle devait à tout jamais le préserver.

Le système a donc fait faillite et les motifs qui ont déterminé les Belges à accepter les traités de 1839 ont cessé d'exister.

L'événement de 1914, le fait que le fléau de la guerre a été déchaîné sur nos provinces par deux des puissances qui nous avaient garantis contre cette calamité, a remis en question l'ensemble des arrangements qui n'avaient été consentis par nos pères que dans le but d'assurer la paix.

Les notes^a historique et juridique qui accompagnent le présent mémoire montrent, pour autant que ce soit nécessaire, quelles furent les pensées inspiratrices des auteurs du système conventionnel de 1839; leur lecture permettrait à ceux qui éprouveraient quelques doutes à cet égard, de se convaincre de l'unité de ce système et de l'impossibilité de considérer aucune partie des accords dont il s'agit comme étant aujourd'hui à l'abri de la nécessité d'une revision.

Les événements de 1830 avaient obligé les Puissances signataires des traités de 1815, relatifs à la constitution du royaume des Pays-Bas, de reviser ces traités. La guerre de 1914 a placé ces puissances dans une situation analogue. Elle a porté aux conventions du 19 avril 1839 une atteinte si profonde que le système dont ces conventions formaient la base et étaient l'expression s'est écroulé: ce système doit faire place à un système nouveau.

Deux des puissances signataires des accords de 1839, ont violé directement leurs engagements; l'une au moins, l'Autriche-Hongrie a cessé d'exister; toutes deux sont vaincues et réduites à merci.

Une troisième, la Russie, est défaillante et incapable soit de s'acquitter de ses obligations soit de discuter à leur sujet. Il n'y a pas à se préoccuper de ces trois puissances. La revision des traités de 1839 doit se faire sans elles, sinon contre deux d'entre elles.

Le système qui doit remplacer celui de 1839 doit être arrêté de commun accord par la France et la Grande-Bretagne avec la Bel-

a. Documents 299 and 300.

gique d'une part, avec la Hollande d'autre part. Dès l'accord réalisé il pourra être notifié aux Puissances ennemies vaincues et à la Russie pour autant que celle-ci survive à la crise où elle se débat.

Le traité imposé à la Belgique en 1839 a été un traité de défaite.

Les Grandes Puissances qui avaient créé le royaume des Pays-Bas en 1815 pour constituer un élément définitif d'équilibre et de paix dans l'Ouest de l'Europe, avaient, dès le moment où elles s'étaient vu obligées de reconnaître la séparation de la Belgique et de la Hollande, éprouvé plus de confiance dans le Roi Guillaume (proche parent des souverains de Prusse et de Russie) que dans ses sujets belges révoltés.

La Hollande avait joui d'une indépendance complète pendant plus d'un siècle et demi. Elle avait fait ses preuves de maturité politique.

La Belgique qui, à vrai dire, avait formé longtemps avant la conquête française, une entité politique distincte des grandes puissances auxquelles une simple union de couronnes l'avait rattachée, avait cependant vécu sous un régime tel qu'on pouvait se demander dans les conseils de l'Europe comment elle userait et s'accommoderait d'une entière autonomie.

Après la courte et malheureuse compagne des 10 jours d'août 1831, les défiances des grandes puissances envers les Belges, tout au moins en ce qui touchait leurs capacités militaires, s'accrochèrent.

Sous l'influence de ces sentiments la Conférence de Londres décida de fortifier la moitié hollandaise de l'ancien royaume des Pays-Bas au détriment de la moitié belge, malgré la protestation unanime des habitants de celle-ci.

Le Luxembourg oriental avec la forte position stratégique de son chef-lieu fut donné au Roi de Hollande et rattaché, pour plus de sûreté encore, (car le danger militaire de l'époque semblait être du côté de la France) à la Confédération Germanique qui y mit une garnison prussienne.

Le Limbourg oriental avec l'importante place forte de Maestricht, clef millénaire du passage de la Meuse, fut attribué au Roi Guillaume et rattaché de même à la Confédération Germanique.

Enfin tous les arguments que les Belges firent valoir pour obtenir la rive gauche du Bas-Escaut (Flandre Zélandaise) furent systématiquement écartés et ce territoire laissé à la Hollande bien qu'il eût appartenu jadis à la Flandre, qu'il lui eût été réuni sous le régime français et que la nature, la géographie et la stratégie élémentaires eussent recommandé d'attribuer à la Belgique ce complément logique de ses provinces flamandes.

La neutralité conventionnelle et la garantie des Grandes Puissances devaient former compensation aux faiblesses de la constitution territoriale que l'Europe ne craignit point d'imposer à la Belgique.

La guerre de 1914-1918 a mis en lumière les erreurs de 1839 : deux des Puissances garantes de l'indépendance et de la neutralité belges ont porté la guerre et la dévastation dans nos provinces précisément parce que nous refusions de trahir les devoirs de la neutralité, qu'elles-mêmes nous avaient dictés. Dans le but d'envahir la Belgique d'abord et la France ensuite, elles se sont emparées sans coup férir du territoire neutre et désarmé du Grand Duché de Luxembourg ; cette vieille province belge enlevée à la Belgique dans le dessein de mieux assurer la défense commune devint le champ de concentration des armées qui se préparaient à envahir notre territoire. Anvers ne put être secourus par les forces des pays associés à la Belgique parce que la souveraineté de la Hollande sur les deux rives de l'Escaut et la neutralité de ce pays empêchaient le passage par le fleuve de troupes ou de matériel de guerre.

La Hollande qui devait être la moitié la plus solide de la Barrière et qui avait reçu à cet effet tous les territoires enlevés ou refusés à la Belgique n'a pas joué le rôle en vue duquel elle avait été constituée. Elle a pu rester jusqu'au bout à l'écart du conflit mondial, tandis que la Belgique devait défendre contre la Germanie entière son territoire stratégiquement mutilé et anormalement faible

et soutenir tout le fardeau des devoirs imposés en commun à elle et à la Hollande par les traités de 1815 et de 1839.

Ce simple exposé montre que la guerre a été la faillite de l'œuvre de 1839 dans toutes ses parties.

En reconnaissant l'impossibilité de faire revivre la neutralité permanente conventionnelle de la Belgique, les Puissances alliées ont déjà admis en principe la nécessité de reviser les traités de 1839. En effet, la disparition de cette clause essentielle implique logiquement la nécessité de rendre à la Belgique des éléments indispensables de solidité et d'équilibre dont la Conférence de Londres—évidemment désireuse de faire œuvre durable—n'aurait pu la dépouiller si elle n'avait cru y suppléer en dotant le nouvel Etat belge du régime de la neutralité perpétuelle sous la garantie de toutes les puissances.

Depuis 1914 des déclarations répétées des organes autorisés des gouvernements britannique et français ont donné à la Belgique la conviction que ces deux grandes et nobles nations se sont assigné comme tâche essentielle la réparation du tort que lui ont causé la violation du droit et l'abus de la force dont elle a été la victime.

Au milieu des épreuves qu'il a traversées, le peuple belge a puisé dans la confiance inébranlable qu'il accorde à la Grande-Bretagne et à la France, l'énergie qui lui permet de résister à l'action démoralisante de la domination étrangère, prolongée pendant quatre années.

L'agression de l'Allemagne n'a pas eu pour seul effet de tarir les sources de la vie économique de la Belgique : dans le domaine politique elle a détruit le fondement sur lequel a reposé pendant quatre-vingts ans l'indépendance de la Belgique.

Au moment où sonne l'heure du règlement, la Belgique adresse un appel pressant à la Grande-Bretagne et à la France. Elle compte sur leur initiative et sur leur concours actif pour obtenir, non seulement la réparation des dommages résultant d'une guerre dont la garantie collective des Puissances ne l'a point préservée, mais aussi

le redressement de l'erreur et de l'injustice commises à son égard en 1839 et dont les conséquences l'ont conduite au bord de l'abîme.

Si la Paix à venir ne devait point donner pleine satisfaction à cette juste revendication, la Belgique sortirait de cette guerre moralement diminuée et la victoire à laquelle par son sacrifice total elle a largement contribué, loin d'assurer définitivement son indépendance, lui créerait des conditions d'existence plus précaires encore que celles que lui avaient assignées son ancien statut international issu d'une défaite.

Une objection pourrait à première vue être soulevée contre toute revision des traités de 1839 qui forcerait la Hollande à renoncer à des avantages concédés à cette époque. C'est que cette Puissance est restée en dehors de la guerre mondiale.

L'objection est spécieuse. Que la Hollande soit restée neutre, il n'en subsiste pas moins que la guerre a entraîné la violation et la destruction d'un système conventionnel auquel elle était partie, et que dans ce système dont la force des choses impose la revision, la Hollande avait reçu des avantages en vue d'hypothèses que les événements n'ont point réalisées;

La Hollande—cela a été dit plus haut—a reçu une configuration déterminée dans la pensée qu'en cas de conflagration européenne, elle aurait un rôle à jouer. (x)

Les circonstances lui ont permis de ne pas jouer ce rôle et de rester neutre.

(x) Pendant la quinzaine qui a précédé l'ouverture des hostilités, plusieurs indices ont révélé que la Hollande se sentait jusqu'à un certain point solidaire de la Belgique en cas de conflit. Elle fit des ouvertures caractérisées à Bruxelles en vue d'une défense concertée, mais le matin du 3 août 1914 le Ministre des Affaires Etrangères des Pays-Bas reçut l'assurance solennelle et catégorique du Ministre d'Allemagne que, si la Hollande voulait rester neutre, son intégrité lui serait garantie; A partir de ce moment elle se désintéressa du sort de la Belgique. Le Ministre des Affaires Etrangères se borna à exprimer au Baron Fallon des condoléances pour le malheur qui frappait son pays. Il ne protesta point contre la violation des traités de 1839 dont elle était signataire. En janvier 1918 dans une dépêche relative au transit par la Hollande, de sables et graviers employés à des usages militaires par les Allemands en Belgique, M. Balfour a chargé le Ministre britannique à La Haye d'attirer l'attention du Gouvernement néerlandais sur la position spéciale créée à la Hollande vis-à-vis de la Belgique, dans les questions de neutralité, par le fait que la Hollande est partie au traité de 1839. C'était reconnaître que la Hollande ne pouvait se considérer, en l'occurrence, comme un neutre ordinaire.

On pourrait douter qu'elle eût eu le droit de se tenir en dehors du conflit au point de ne même pas protester contre la violation de la neutralité belge qui était établie par l'article 7 du traité hollando-belge du 19 avril 1839.

Sans appuyer sur cette considération, ni faire grief à la Hollande de son attitude, il nous paraît légitime de penser que les puissances intéressées et victorieuses ont le droit de reviser les concessions que l'Europe lui a faites indûment. Si l'on admet que pendant la guerre la Hollande n'a eu aucune obligation du chef des traités de 1839, le moins que l'on puisse dire après la guerre est qu'elle n'a pas le droit de s'opposer à leur revision.

L'Europe a pris à la Belgique des parties importantes et même essentielles de son territoire au point de vue stratégique dans la pensée que la Belgique ne serait point capable de les défendre.

La Belgique a le droit de dire qu'on l'avait mal jugée. Il ne lui sied point de formuler une appréciation sur la manière dont elle a rempli son propre rôle de barrière et dont elle s'est acquittée de ses devoirs en défendant son territoire malgré les vices de sa conformation stratégique. Mais si l'Europe reconnaît qu'elle nous a autrefois mal jugé, le fait que les Pays-Bas sont restés neutres doit-il l'empêcher de réparer ses torts envers nous ?

S'il devait en être ainsi, les Belges s'étonneraient à bon droit de la différence qu'ils ne manqueraient pas de relever entre l'absence de ménagements témoignée à leur égard en 1831-1839 et la considération exagérée accordée à la Hollande en 1918 par les grandes Puissances dont la Belgique a servi la cause.

Le Gouvernement Belge croit superflu d'affirmer que le règlement des questions que pose la revision du système de 1839 doit, dans sa pensée, et pour autant qu'elles intéressent la Hollande, être négociées avec elle dans l'esprit amical qui correspond au caractère des relations des deux Etats. Le respect mutuel de la dignité et des intérêts des parties en cause présidera à cette négociation. Si les

Grandes Puissances alliées estiment que la sauvegarde de la Paix dans l'avenir aussi bien que les intérêts essentiels de la Belgique exigent certaines concessions de la part de la Hollande, la Belgique sera la première à demander que la Hollande reçoive des compensations comportant pour elle des avantages certains et durables. La Belgique soutiendra dans ce cas l'intérêt de la Hollande comme s'il y allait de son propre intérêt.

Ces compensations pourraient consister en territoire aujourd'hui allemand mais de population hollandaise tel que la Gueldre prussienne et la Frise orientale—ou en territoire colonial—ou en indemnités pécuniaires—ou en garantie de paisible possession des colonies actuelles des Pays-Bas. Cette dernière garantie est très probablement désirée par le Gouvernement néerlandais. Elle n'exclurait pas d'autres compensations.

Si les grandes puissances alliées offraient à la Hollande des compensations adéquates pour des cessions ou rétrocessions à la Belgique qu'elles jugeraient indispensables, et si la Hollande refusait obstinément une combinaison avantageuse pour elle autant que pour la Belgique, il deviendrait fort difficile de répondre que les relations d'amitié auxquelles le Gouvernement du Roi attache pour sa part une importance primordiale, ne seront point soumises dans l'avenir à une sérieuse épreuve. C'est le souci de ces bonnes relations autant que celui de sa sécurité qui oblige la Belgique à exposer franchement la situation aux deux seules Puissances garantes des traités de 1839 qui ont été fidèles à leurs engagements et qui ont intérêt comme elle-même au redressement des torts d'autrefois.

Quelles sont donc, demandera-t-on, les solutions nouvelles que le Gouvernement du Roi espère voir apporter aux différents problèmes réglés par les traités de 1839 et qui sont remis en question?

I.—Statut international de la Belgique.

Le Gouvernement du Roi a déjà eu l'occasion de prendre acte

de l'adhésion donnés par le Gouvernement de la France et de la Grande-Bretagne à l'idée que l'indépendance de la Belgique ne doit plus à l'avenir subir de restrictions ni être soumise à des conditions. Cette indépendance doit être complète, au même titre que celle des Pays-Bas, de la Suède ou du Danemark. Il appartiendra à la nation belge dans ce statut nouveau, de juger si son intérêt lui commande selon les circonstances, une politique de neutralité ou une politique d'alliances.

Il n'est pas impossible que le Gouvernement néerlandais essaie de soutenir que la neutralité permanente jadis imposée à la Belgique, mais qui fait spécifiquement l'objet d'une disposition du traité hollando-belge (Art. 7) servait l'intérêt hollandais. Le Gouvernement du Roi compte sur l'appui de la France et de la Grande-Bretagne pour faire comprendre au Gouvernement des Pays-Bas que, dans la revision des traités de 1839 l'intérêt néerlandais ne pourra jamais être considéré comme primant l'intérêt belge et que lorsque les deux gouvernements ne seront pas d'accord sur les solutions, l'intérêt de la Belgique sera au contraire considéré comme prépondérant. Au demeurant s'il est possible à la Hollande d'affirmer que la neutralité belge servait son intérêt elle ne saurait le démontrer. Il lui serait en effet impossible de prouver que sa situation eût été moins favorable dans l'hypothèse où la Belgique aurait eu en août 1914 l'appui de certaines alliances ou bien encore dans l'hypothèse où la neutralité belge eût été volontaire au lieu d'être conventionnelle.

Au surplus, l'affirmation d'un intérêt hollandais à la neutralité conventionnelle de la Belgique ne serait, le cas échéant, qu'une simple tactique : la Hollande céderait sur ce terrain, dans le but de se créer par cette concession apparente des titres à une compensation immédiate.

II.—*Question de l'Escaut.*

Les inconvénients du régime de l'Escaut ont été sommairement

exposés par une note du Gouvernement belge remise aux Gouvernements britannique et français en 1916.

Ils peuvent être ramés aux points suivants: la Belgique n'a pas le contrôle d'un fleuve qui est la seule voie d'accès au port d'Anvers. Si certains droits ont été reconnus à la Belgique en 1839 pour assurer *en temps de paix* la liberté de la navigation commerciale du fleuve dans son parcours néerlandais, la Hollande possède *en temps de guerre* le droit de faire respecter sa neutralité sur le fleuve et peut aussi rendre l'arrivée de secours à Anvers impossible par la voie normale. Même en temps de paix la Hollande conserve assez de droits souverains pour se trouver à même de mettre à la navigation commerciale des entraves considérables et pour empêcher, si elle le veut, toute amélioration du cours du fleuve qui impliquerait des travaux de rectification des berges sur son territoire. De tels travaux peuvent devenir indispensables dans un avenir rapproché, à raison de la tendance à l'augmentation constante du volume des navires de commerce et du régime hydrographique très capricieux d'un fleuve à marée. Enfin la Hollande n'ayant aucun intérêt au balisage, à l'éclairage de l'Escaut ou à son approfondissement n'exécute les travaux d'amélioration indispensables que sur les instances souvent longues et pénibles de la Belgique, et aux frais du royaume voisin.

Pour que la Belgique reçoive satisfaction, pour que Anvers soit à l'abri de toute surprise préjudiciable dans l'avenir, il faut que la situation ancienne soit renversée: au lieu que le cours hollandais de l'Escaut soit sous la souveraineté hollandaise avec quelques servitudes en faveur de la Belgique, il faut que la Belgique, en fait seule intéressée soit mise pratiquement à même de disposer de l'Escaut jusqu'à la mer comme si elle en était souverain, sauf à stipuler telles restrictions à ce droit de disposition qui sauvegarderaient les rares intérêts hollandais sur le fleuve. Le contrôle belge doit être tout aussi complet sur le canal qui relie Gand à Terneuzen jusqu'à son point de jonction avec le fleuve en territoire néerlandais.

Au point de vue de sa défense la Belgique doit pouvoir s'appuyer à tout le cours du bas fleuve.

III.—*Limbourg et Meuse.*

Enfin la prospérité de la Belgique dépendant de celle d'Anvers et celle-ci dépendant des voies de communication qui amènent à ce port les marchandises de l'Europe occidentale et centrale, il faut que la Belgique ait la possibilité de mettre en communication par route, par chemin de fer et par canal, son grand port avec toutes les régions qui peuvent alimenter le trafic de ses navires. A ce point de vue la région industrielle et minière de la province rhénane (Crefeld, Stollberg, Munchen, Gladbach, Neuss, etc.) qui serait naturellement tributaire d'Anvers par la voie du Limbourg néerlandais, ne peut dans les conditions actuelles être reliée à ce port si les Hollandais s'opposent à la construction des routes, des voies ferrées et surtout des canaux nécessaires. Il serait d'autant plus injuste de prolonger cette situation que le port d'Anvers a été en réalité fermé pendant 4 ans de guerre et que durant cette période les ports de Rotterdam et d'Amsterdam se sont développés anormalement et ont fait des bénéfices tels qu'ils ont pu s'équiper selon tous les progrès de la science moderne. Ils ont pris sur Anvers une avance qu'il sera bien difficile au port belge de regagner même si les meilleures conditions lui sont assurées.

Il faut donc que la Belgique soit en mesure de pouvoir faire passer à travers le Limbourg néerlandais toute route, canal ou voie ferrée qui lui semblerait utile au développement de son commerce maritime ou de son industrie. Les traités de 1839 lui avaient déjà reconnu cette faculté (voir art. 12 du traité Hollando-belge), mais la Belgique n'en retire qu'un avantage médiocre réduit à la concession du chemin de fer d'Anvers à Gladbach insuffisant pour les besoins actuels du commerce, à laquelle la Hollande souscrivit en 1873.^(x)

(x) Extrait du Procès-verbal des ratifications de la Convention du 13 janvier 1873: "Avant de procéder à l'échange des ratifications les soussignés croient utiles de rappeler que d'après les déclarations des deux gouvernements aux Chambres Législatives, la concession de l'établissement d'un chemin de fer Anvers-Gladbach par le Duché de Limbourg en passant par Ruremonde, comme elle est stipulée par le traité du 13 janvier 1873 constitue l'exécution pleine et entière de l'article 12 du traité du 19 avril 1839."

Au point de vue stratégique, la cession, par les traités de 1831-1839, d'une partie du Limbourg à la Hollande a créé une situation anormale dont la guerre a révélé le danger.

La configuration du territoire rend impossible la défense du Limbourg hollandais par l'armée néerlandaise, de même qu'elle rend impossible la défense du Limbourg occidental par l'armée belge, celle-ci ne pouvant s'établir sur la rive orientale ni disposer de la tête de pont de Maestricht.

En 1914, la Hollande n'a pas entrepris d'assurer la défense du Limbourg cédé. Il a dépendu de la seule volonté de l'Allemagne que ce territoire ne fût pas envahi. Les incidents récents de 1918 ont été plus significatifs encore. La Hollande a reconnu l'impuissance où elle était de défendre son territoire limbourgeois en laissant les troupes allemandes qui évacuaient la Belgique, le traverser impunément.

Ainsi l'on ne saurait contester ni dissimuler que les événements de la guerre ont mis en relief la question du Limbourg.

IV.—*Luxembourg.*

Le Luxembourg cédé au Roi des Pays-Bas en 1839 est devenue en 1867 un état indépendant et neutralisé. En 1890, la couronne passa à une dynastie purement allemande. Le Gouvernement du Roi a exposé à ses alliés ses vues sur l'avenir de cet Etat qui décidera lui-même de son sort dans la mesure de ce que peut permettre la sécurité élémentaire de la Belgique. A cet égard, le Gouvernement du Roi estime qu'il est impossible de permettre que le Luxembourg reste neutre et désarmé, ni qu'il conserve avec l'Allemagne les liens économiques qui le rattachaient à l'Empire avant la guerre. Sur ce dernier point le Gouvernement du Roi sait que les intentions du Gouvernement luxembourgeois lui-même correspondent avec ses propres désirs. La Belgique dénonce en outre à ses alliés la nécessité d'être mise à l'abri du risque de voir un pays dont le statut international affecte ses intérêts essentiels soumis encore dans l'avenir à une influence étrangère.

Les limites entre la Belgique et la Prusse telles qu'elles étaient tracées avant la guerre étaient un legs des traités de 1815. La guerre permet de les remettre en question.

Pour compenser la Prusse de certains territoires saxons auxquels elle renonçait, les Puissances décidèrent en 1815 de détacher des anciennes provinces belges attribuées au Roi des Pays-Bas, une dizaine de cantons (Rolduc et Eupen, du Duché du Limbourg; Malmédy séparée de Stavelot—St. Vith, Schleyden, Cronenburg, Bitbourg, Arzfelt du Duché du Luxembourg, etc.).

Le Gouvernement belge a le droit de réclamer aujourd'hui contre un démembrement du territoire national qui s'est fait, sans tenir compte d'aucune considération autre que l'intérêt de la Prusse, et de demander la restitution des cantons dont il s'agit. La limite orientale de la Belgique est si rapprochée de Liège, que les armées allemandes ont pu attaquer cette place forte le 4 août 1914, quelques heures après avoir franchi la frontière.

Le canton de Malmédy est entièrement wallon et déjà de nombreux habitants ont pétitionné pour son incorporation dans le territoire belge. Pendant la guerre, des sujets allemands originaires de Malmédy et même d'autres cantons voisins ont réclamé la protection du Gouvernement du Roi. Plusieurs ont combattu dans l'armée nationale.

Si, pour un motif quelconque, la Belgique ne pouvait recouvrer la totalité des cantons donnés à la Prusse en 1815, le Gouvernement du Roi insisterait très vivement en tous cas pour que Malmédy avec la Wallonie prussienne redevînt belge.

Il exigerait que le petit territoire, dit neutre, de Moresnet, fût définitivement reconnu comme belge. La Belgique et la Prusse y exerçaient une souveraineté indivise avant la guerre.

Cette anomalie qui ne saurait se prolonger, provenait du fait que deux descriptions de la frontière séparative du royaume des Pays-Bas et de la Prusse, contenues dans les traités de 1815, ne coïncidaient pas exactement mais se contredisaient pour une petite

section de la frontière. Le territoire compris entre les deux lignes a été depuis revendiqué par les puissances voisines qui, ne pouvant s'accorder sur une formule de partage, décidèrent d'y exercer les pouvoirs souverains en commun, ou plutôt alternativement.

Pendant la guerre, les Allemands ont traité Moresnet comme territoire prussien. Le Gouvernement du Roi possédait dès avant la guerre, une pétition signée par les chefs de 600 familles—la totalité de la population—réclamant l'incorporation à la Belgique si l'anomalie datant de 1815 ne devait pas se prolonger.

Que la Belgique recouvre tous les cantons donnés à la Prusse en 1815 ou que la frontière de 1815 ne subisse point d'autre altération que celle qui concerne Malmédy et Moresnet, il restera toujours entre la Belgique et le Rhin une large bande de territoire sur laquelle le Gouvernement du Roi n'a aucune revendication à élever.

Mais, dans l'ignorance où il est des idées qui règnent tant chez les habitants de la Prusse rhénane que chez les Gouvernements alliés au sujet de l'avenir de ce pays, le Gouvernement du Roi croit devoir faire connaître dès à présent que la Belgique demande à être entendue quand les Alliés examineront ce problème, afin qu'elle puisse discuter avec eux les questions d'ordre politique, économique et militaire qui l'intéressent dans la région du Rhin qui prolonge à l'Est le territoire belge.

Note Juridique^a sur la Revision des Traités de 1839.

1 ère Partie: Le fondement et la portée de la revision.

2 ème Partie: Procédure à suivre en vue de la revision des traités—
Le rôle de la Grande-Bretagne et de la France dans
les négociations.

PREMIERE PARTIE.

LE FONDEMENT ET LA PORTEE DE LA REVISION.

Le Gouvernement du Roi estime qu'il y a lieu de procéder à une revision générale du régime instauré par les traités de 1839.

Cette revision s'impose :

1. au regard de tous les Etats signataires des traités;
2. relativement à toutes les clauses qui en font l'objet.

LES TRAITES DOIVENT ETRE REVISES A L'EGARD DE TOUTES ET DE
CHACUNE DES PARTIES CONTRACTANTES.

Deux puissances, l'Allemagne et l'Autriche, signataires du traité, l'ont ouvertement violé. La Belgique a le droit incontestable de le tenir pour résilié à leur égard et même d'en poursuivre à leurs torts la revision complète.

Une troisième puissance, la Russie, a refusé de continuer à remplir les obligations résultant pour elle du traité et a perdu de ce fait le droit de participer à sa revision.

Les deux puissances qui se sont acquittées de leurs engagements, l'Angleterre et la France, ont déjà marqué leur adhésion à l'abandon d'une stipulation essentielle du traité de 1839, celle qui concerne la neutralité perpétuelle. Il n'appartient plus désormais qu'à ces deux puissances de participer, de commun accord avec la Belgique et avec

a. See Diary, p. 108. This accompanied Document 298.

la Hollande, à la revision des traités de 1839 et à leur remplacement par un régime nouveau.

La nécessité d'une revision générale des traités de 1839 s'impose forcément à l'égard de la Hollande comme à l'égard de toutes les autres Puissances signataires de ces traités. Bien qu'elle soit restée neutre dans le conflit européen, la Hollande ne peut se soustraire aux conséquences qu'entraîne la destruction d'un régime conventionnel à l'établissement duquel elle a participé.

C'est ce que démontrent les considérations suivantes.

Premier Argument:

Le traité hollando-belge imposé à la Hollande et à la Belgique par le concert des puissances, ne peut survivre à la dissolution du système politique européen sous l'influence duquel il a pris naissance.

Le traité hollando-belge n'est, à proprement parler, l'œuvre ni de la Belgique ni de la Hollande. Il est, dans son économie générale, comme dans chacune de ses dispositions essentielles, *l'œuvre collective des puissances qui l'ont imposé d'autorité à ces deux Etats.*

C'est ce qui ressort clairement:

- 1.—de la pensée générale qui a guidé les cinq puissances représentées à la Conférence de Londres;
- 2.—de la procédure qu'elles ont adoptée pour imposer leurs vues à la Belgique et à la Hollande;
- 3.—enfin de la forme même qu'elles ont donnée aux traités.

1.—En 1830, comme en 1814, les puissances se sont proposé pour *but essentiel* de concilier l'existence d'une Belgique indépendante avec l'établissement d'un juste équilibre en Europe et avec le maintien de la paix générale. Ces vues se trouvent exposées dans le protocole du 20 décembre 1830 qui, en constatant la faillite de l'union hollando-belge de 1815 assigne pour mission à la conférence "de discuter et de concerter les nouveaux arrangements les plus propres à combiner l'indépendance future de la Belgique avec les

stipulations des traités, avec les intérêts et la sécurité des autres puissances et avec la conservation de l'équilibre européen."

Ces considérations *d'intérêt général européen* dominent toute l'œuvre des traités de 1831 et de 1839. Elles sont à la base des clauses du traité hollando-belge du 19 avril 1839.

2.—La procédure suivie au cours des négociations met en plein relief le rôle absolument prépondérant des puissances dans la négociation des traités de 1839.

Dès 15-20 décembre 1830, la conférence de Londres s'érige en *arbitre* entre la Belgique et la Hollande. Devant l'antagonisme sans cesse renaissant des prétentions adverses elle place les deux parties en présence de "décisions irrévocables"; elle leur notifie formellement "sa détermination immuable" d'en assurer l'exécution au besoin par la force armée. Telle fut d'une façon générale et sous réserve de fluctuations passagères la procédure suivie dans l'élaboration des traités de 1831 et de 1839.

Dans leur teneur définitive, ces traités constituent indiscutablement un arbitrage imposé par les grandes puissances, organes de l'Europe, à la Belgique et à la Hollande.

3.—La *forme* même ou structure extérieure des traités de 1839 achève de mettre en lumière l'action dominante exercée par le concert des puissances dans leur élaboration.

Par le premier de ces traités le roi des Pays-Bas s'engage vis-à-vis des puissances, à convertir immédiatement en traité avec le Roi des Belges les 24 articles annexés. La politique d'arbitrage forcé des puissances triomphe ainsi des résistances hollandaises comme elle avait triomphé, en 1831, des résistances de la Belgique. *Sous l'apparence extérieure d'une convention librement consentie, le traité hollando-belge est, dans sa teneur et sa substance, l'expression des volontés irrévocables des puissances européennes.*

D'autre part, dans le traité conclu entre les puissances et la Belgique, comme dans le traité conclu entre les puissances et la Hollande, on trouve une disposition identique: "Les articles annexés

(les 24 premiers articles du traité hollando-belge) sont considérés comme ayant la même force et valeur que s'ils étaient insérés textuellement dans le présent acte; ils se trouvent ainsi placés sous la garantie de leurs dites Majestés." Ainsi, réserve faite de la clause de garantie, les trois traités distincts en tant qu'instruments diplomatiques ont un contenu identique. Rien ne marque mieux la complète subordination des clauses du traité hollando-belge aux décisions des puissances. Dans la réalité des choses, la signature de ce traité par les représentantes de la Belgique et de la Hollande n'a eu d'autre signification que celle d'une adhésion forcée de ces deux Etats à une réglementation générale imposée d'autorité par le concert européen.⁽¹⁾

Deuxième Argument:

La Belgique trouvait dans les stipulations du traité hollando-belge une certaine somme d'avantages ou de profits, rigoureusement compensés par des sacrifices étendus et par des obligations onéreuses. Avantages et inconvénients, profits et pertes procédaient dans une large mesure de la *situation générale faite à la Belgique par les traités vis-à-vis de l'Europe*. Ceci est particulièrement sensible pour la stipulation essentielle qui fait l'objet de l'article 7, celle de la neutralité perpétuelle, stipulation qui avait pour objet d'assigner à la Belgique une "place inoffensive" en Europe et de créer entre elle et tous ses garants des "liens identiques."

Les événements qui se sont déroulés depuis le mois d'août 1914, ont bouleversé complètement l'économie essentielle du régime instauré par les traités de 1839. Pour être restée fidèle aux obligations de la neutralité perpétuelle que lui avaient imposée les puissances, notre pays a été voué par deux d'entre elles, à toutes les

(1) Cfr. La note adressée le 25 octobre 1831 par la conférence aux plénipotentiaires hollandais et belge et accompagnant l'envoi des 24 articles (annexes B et C au protocole 49): "ces articles *seront insérés mot pour mot dans un Traité direct entre la Hollande et la Belgique lequel ne renfermera en outre que les stipulations relatives à la paix et à l'amitié que subsisteront désormais entre les deux pays et leurs souverains.*"

horreurs de la guerre. De ce fait, la Belgique a perdu à tout jamais une partie absolument essentielle des avantages que le traité de 1839 devait lui assurer; elle ne peut, en logique ni en équité, être tenue de continuer à subir vis-à-vis de la Hollande les clauses onéreuses dont les puissances lui avaient, en retour de ces avantages, imposé l'acceptation.

Conclusion:

Les trois traités du 19 avril 1839 forment un seul tout. On ne peut envisager le traité hollando-belge comme une convention indépendante des traités signés le même jour par les plénipotentiaires des puissances avec la Hollande d'une part, avec la Belgique d'autre part. *Ce traité ne peut survivre à la destruction du système politique qui en a dicté les clauses, ni à la perte des avantages d'ordre général européen qu'il conférait à la Belgique.*

LE TRAITE DE 1839 A ETE VIOLE DANS UNE DE SES CLAUSES ESSENTIELLES. CETTE VIOLATION DONNE A LA BELGIQUE
LE DROIT DE DENONCER LE TRAITE TOUT ENTIER,
D'EN POURSUIVRE LA REVISION DANS
TOUTES SES DISPOSITIONS.

Examinons d'abord le fondement de cette thèse au regard des principes du droit des gens (1). Nous envisagerons ensuite les conséquences qui résultent de son application au traité de 1839 (2).

1) Tout traité de droit international, comme tout contrat de droit privé, est conclu sous la condition implicite d'observation fidèle par chacune des parties; en d'autres termes, la condition résolutoire est sous-entendue dans les conventions internationales comme dans les contrats synallagmatiques du droit civil. L'inexécution du traité par l'une des parties autorise les autres contractantes à se libérer de leurs obligations conventionnelles en dénonçant le traité.

Ce principe est universellement admis, les divergences n'existant que sur le point suivant. Certains auteurs n'admettent le droit à

la dénonciation du traité dans son ensemble que lorsque la violation affecte l'une de ses clauses fondamentales, lorsqu'elle a pour conséquence de dépouiller la partie lésée de l'un des avantages essentiels que lui assurait la convention. Comme représentants de cette première opinion on peut citer: Georges Fred. de Martens (*Droit des Gens*, par. 59), Hall (*International Law*, p. 361), P. Cobbett (*Cases and opinions on international law*, I, p. 327).

D'après d'autres auteurs, au contraire, toute violation du traité donne indistinctement ouverture à sa résolution, quand bien même cette violation n'affecterait qu'une clause d'intérêt secondaire. Il semble bien que cette opinion est celle de la majorité des auteurs. Oppenheim (*International Law*, 2ème édition, T. I., par. 547). Rivier (*Droit des Gens*, II, p. 135).⁽¹⁾

2) Les stipulations du traité de 1839 forment un tout indivisible. Ce traité a été violé au préjudice de la Belgique dans l'une de ses dispositions essentielles. La Belgique a donc le droit incontestable d'en exiger la revision dans toutes et dans chacune de ses clauses.

La procédure d'arbitrage par laquelle les puissances ont imposé à la Belgique et à la Hollande l'acceptation des 24 articles démontre le bien-fondé de cette thèse. Tous ces articles indistinctement, ceux mêmes d'intérêt secondaire, ont été présentés aux deux parties comme intangibles. Le protocole du 14 octobre (No. 49) ne fait plus la distinction qu'établissaient les protocoles des 20 et 27 janvier entre les questions essentielles, objet de décisions ir-

(1) Voici comment s'exprime Rivier: "L'inexécution du traité de la part de l'un des États contractants donne à l'autre État le droit de le tenir pour résilié, et d'exiger, s'il y a lieu, des dommages et intérêts. L'indivisibilité reprend ici le dessus. Si l'une quelconque des clauses même celle qui semble la moins importante, est violée, il n'y a plus de sûreté quant aux autres. On peut dire que chaque clause forme comme une condition de toutes les clauses. Il n'y a pas lieu de distinguer entre articles principaux et accessoires, connexes et non connexes. Ces distinctions n'ont rien à faire ici, où il s'agit de sécurité et de confiance. Tous les articles ont à ce point de vue la même valeur. Ils constituent un "ensemble indivisible." La même où l'on n'aperçoit pas immédiatement un lien direct entre certains articles on peut dire que tous sont unis "par ce rapport commun que les contractants les ont passés en vue les uns les autres par manière de compensation" (Rivier, II, p. 136). On ne peut disjoindre arbitrairement des clauses qui sont la résultante de vues coordonnées et de concessions réciproques."

révocables, et les questions secondaires, objet de simple propositions. Les 24 articles ont été imposés *en bloc* à la Belgique et à la Hollande la conférence refusant formellement aux plénipotentiaires hollandais et belge le droit d'y apporter un amendement quelconque.

Parmi les clauses du traité de 1839 dont la Belgique est autorisée, en vertu de ces principes, à poursuivre la revision, figurent les stipulations relatives à ses limites territoriales. Les frontières actuelles de la Belgique lui ont été imposées par les Puissances, au nom de considérations d'ordre européen. Leur trace s'inspire de préoccupations politiques abolies et de défiances injustifiées. Craignant de voir la Belgique entraînée vers la France, les Cours du Nord ont cherché à prendre contre elle des garanties territoriales; sous couleur de protéger les intérêts de la Hollande elles ont favorisé ainsi la politique d'expansion de la Prusse. La neutralité perpétuelle, qui devait dans une certaine mesure, faire contrepoids à la faiblesse de cette constitution territoriale, n'a pas résisté à l'épreuve de la guerre. Les frontières insuffisantes assignées à la Belgique ne peuvent survivre à la disparition du régime qui a inspiré leur trace.

Les considérations développées ci-dessus conduisent logiquement à une double conclusion : 1.—indivisibilité des trois traités de 1839 entre eux et, par voie de conséquence, revision nécessaire du traité hollando-belge ; 2.—indivisibilité de toutes les clauses du traité entre elles entraînant la revision générale de toutes les questions qui en font l'objet.

DEUXIEME PARTIE.

PROCEDURE A SUIVRE EN VUE DE LA REVISION DES TRAITES DE 1839.

ROLE DE LA GRANDE-BRETAGNE ET DE LA

FRANCE DANS LES NEGOCIATIONS.

Les considérations exposées dans la première partie de cette note conduisent à reconnaître dans les traités de 1839 le fruit d'un arbitrage imposé à la Belgique et à la Hollande par les Grandes Puissances au nom des intérêts généraux de l'Europe.

Il en résulte, au point de vue de la revision de ces traités, une double conséquence :

1) d'une part, la revision de ces traités ne peut s'accomplir sans tenir compte des intérêts *d'ordre européen* qui en ont dicté les clauses;

2) d'autre part, cette revision appelle nécessairement l'intervention de toutes les Puissances signataires des traités, qui, restées fidèles à leurs engagements, ont conservé le droit d'en invoquer les dispositions.

La Belgique a un droit incontestable, non seulement à la participation, mais encore à l'appui actif de ses deux garants fidèles dans les négociations qui auront pour objet de reviser à *l'égard de la Hollande* un traité dont toutes les clauses lui ont été imposées et dont elle a été la victime.

Le traité hollando-belge, nous l'avons démontré plus haut, n'est pas la résultante d'un accord intervenu entre les deux Etats sur la base de leurs intérêts propres, toutes ses clauses ont été imposées par les Puissances; toutes ont été subordonnées par elles aux exigences suprêmes des intérêts généraux de l'Europe.

Que faut-il conclure de là?

La revision d'un traité de cette nature doit s'accomplir en tenant

compte à la fois: 1) du but essentiel qui en a dicté les clauses et 2) de la procédure qui a présidé à son élaboration.

Une réglementation imposée d'autorité par le concert des Puissances au nom des intérêts de l'Europe ne peut être révisée: 1) qu'avec le concours des Puissances restées fidèles à l'ordre qu'elles ont établi; et 2) en fonction des intérêts généraux qui ont inspiré leur œuvre.

On ne saurait concevoir que la France et l'Angleterre se désintéressent des conséquences que la faillite du système de 1839 entraîne non seulement pour la Belgique, mais aussi pour l'ordre européen dont elles s'étaient constituées les défenseurs. Il leur appartient de rectifier les erreurs commises au préjudice de la Belgique en 1839; d'adapter notamment aux exigences d'un ordre politique nouveau les arrangements territoriaux qui ont été imposés à cette époque à notre pays; de faciliter enfin éventuellement par l'offre de certaines compensations—la conclusion d'un accord également favorable aux vœux des deux pays, aux intérêts de l'équilibre et de la paix de l'Europe.

On ne saurait admettre que la revision du traité de 1839 s'accomplisse par la voie de négociations séparées entre la Belgique et la Hollande dans lesquelles la Belgique se trouverait privée de l'appui de ses garants. Une telle procédure doit être rejetée, non seulement à cause de la *responsabilité* assumée par l'Angleterre et par la France dans l'état de choses créé en 1839, mais encore en raison de la *nature des problèmes* que cette revision soulève.

La neutralité perpétuelle constituait l'une des pièces essentielles du système de 1839; la France et l'Angleterre ont consenti dès à présent à son abandon par la Belgique. On ne saurait toutefois perdre de vue que ce régime, qui devait assurer à la Belgique une "place inoffensive" en Europe, garantissait notre pays contre des agressions extérieures et que c'est en considération de cette sécurité que les traités lui promettaient que ses frontières ont été tracées.

L'amélioration de notre constitution territoriale est donc liée à l'abandon de la neutralité perpétuelle; la Belgique a le droit d'invoquer l'appui de ses garants pour l'aider à trouver désormais dans des frontières mieux établies une sécurité que la neutralité perpétuelle n'a pu lui procurer.⁽¹⁾

Tenant compte des considérations développées ci-dessus, quelle est la *forme* que devraient revêtir les négociations destinées à assurer la révision des traités de 1839?

La forme la mieux appropriée serait incontestablement celle d'une conférence restreinte à laquelle prendraient part les représentants de la Grande-Bretagne, de la France, de la Belgique et de la Hollande. Le traité imposé à la Hollande et à la Belgique par les cinq grandes puissances serait révisé ainsi de commun accord par tous les Etats qui ont conservé le droit d'en invoquer les clauses. Il appartiendrait à la France, à l'Angleterre et à la Belgique d'inviter le Gouvernement des Pays-Bas à cette conférence restreinte qui aurait pour objet d'assurer une bonne liquidation du système de 1839. Cette conférence serait précédée d'un échange de vues entre la Belgique, la France et la Grande-Bretagne dans le but d'établir entre elles un accord sur les principes et sur les compensations à offrir éventuellement à la Hollande.

L'accord réalisé serait imposé aux Puissances ennemies et notifié à la Russie.

(1) Renvoyer la Belgique à des négociations séparées avec la Hollande, ce serait inaugurer pour la révision des traités une procédure absolument contraire à celle qui a été suivie pour leur conclusion. Dans cet ordre d'idées il est intéressant de rappeler que les pourparlers de 1831 furent marqués par une proposition de négociations directes, adressée par Lebeau au Ministre hollandais Verstolk. La proposition visait notamment le règlement des questions territoriales. Or, les *plénipotentiaires hollandais* la dénoncèrent aussitôt comme une *atteinte aux prérogatives de la Conférence*.

DOCUMENT 300**Note Historique sur la Revision des Traités de 1839****SOMMAIRE DE LA NOTE HISTORIQUE^a****I.—L'ESPRIT DES TRAITÉS DE 1839.**

Ils forment un compromis entre le fait nouveau de notre indépendance et l'œuvre du Congrès de Vienne.

- a) l'œuvre du Congrès de Vienne.
- b) perturbation apportée dans cette œuvre par la Révolution belge.
- c) la politique de la Conférence de Londres.
- d) le sort des revendications belges.
- e) l'erreur de la Conférence.

II.—LA QUESTION DE L'ESCAUT.

- a) d'où provient et que signifie l'installation de la Hollande sur la rive gauche du fleuve.
- b) l'Escaut du Traité de Münster à la révolution de 1830.
- c) les prétentions de la Belgique et de la Hollande en 1830.
- d) l'attitude de la Conférence.
- e) caractère bâtard de la solution à laquelle elle s'est arrêtée.

III.—NOTRE FRONTIÈRE DE L'EST.

- a) l'œuvre de 1815.
- b) les revendications de la Belgique en 1830.
- c) les solutions successivement admises par la Conférence de Londres.
- d) la solution du traité de 1839 marque la victoire de la politique germanique.

IV.—LA NEUTRALISATION DE LA BELGIQUE.

NOTE HISTORIQUE.**L'ESPRIT DES TRAITÉS DE 1839.**

L'œuvre du
Congrès de
Vienne.

Le Congrès de Vienne s'était flatté de comprimer définitivement la puissance expansive de la France par un ensemble de combinaisons territoriales et mili-

a. See Diary, p. 108. This accompanied Document 298.

taires. Dans le système qu'il avait institué, le royaume des Pays-Bas, formé par l'adjonction de la Belgique à la Hollande, jouait le rôle d'une vaste tête de pont ouverte aux puissances coalisées, tandis que la garde de la Moselle et du Rhin se trouvait confiée à la vigilance de la Prusse. — A l'abri de ce rempart, les alliés de Chaumont espéraient jouir paisiblement du fruit de leurs victoires et poursuivre l'œuvre de restauration dont la Sainte-Alliance devint l'organe. —

La révolution belge de 1830 allait déjouer leurs

Perturbation
apportée dans
cette œuvre
par la révolution
belge.

calculs.

Le royaume des Pays-Bas, pièce maîtresse de l'édifice laborieusement échafaudé quinze années auparavant, se trouva détruit par la déclaration de notre indépendance; — en même temps que le problème de notre constitution territoriale remettait en question les progrès accomplis par l'Etat prussien dans sa marche vers la Meuse.

Les événements dont Paris venait d'être le théâtre et les sympathies non dissimulées de la Belgique nouvelle pour la France de Louis-Philippe aggravèrent encore l'inquiétude que suscita dans les Cours du Nord notre geste révolutionnaire.

L'Europe, contrainte de s'incliner devant le fait

La politique de
la Conférence
de Londres.

accompli, n'eut d'autre souci que d'en atténuer les conséquences. Elle comprit qu'il était impossible de rétablir dans sa structure primitive le régime de 1815.

Mais elle employa ses efforts à en conserver autant que possible l'esprit. Réaliser par d'autres "arrangements" les fins poursuivies au Congrès de Vienne, "combinaison l'indépendance de la Belgique avec les stipulations des traités, les intérêts des puissances et la conservation de l'équilibre européen," tel fut le programme de la conférence de Londres (†), plus particulièrement celui de la Prusse, de l'Autriche et de la Russie.

Tout l'esprit des Traités de 1839 est là, et c'est ce qui explique leur faiblesse.

(†) voir notamment le protocole No. 7.

Le sort des
revendications
belges.

Dans une note remise le 3 Janvier 1831 aux deux Commissaires délégués à Bruxelles par la conférence de Londres, le gouvernement belge résumait ses revendications dans les termes suivants:

"Il paraîtra sans doute impossible que la Belgique constitue un Etat indépendant sans la garantie immédiate de la liberté de l'Escaut, de la possession de la rive gauche de ce fleuve, de la province du Limbourg en entier et du Grand Duché de Luxembourg * * *."

La conférence ne nous accorda la liberté de l'Escaut que dans des conditions insuffisantes. Elle nous refusa la rive gauche du fleuve et nous priva des positions les plus importantes du Limbourg et du Luxembourg.

Enfin le statut de neutralité permanente qu'elle nous imposa vint compléter ce système d'amputations territoriales.

L'Europe de 1830 n'a pas compris que l'existence d'une Belgique libre et forte est une condition *sine qua non* de son propre équilibre. Par méfiance à notre égard et à l'égard de la France, elle a prétendu réaliser ce paradoxe de reconnaître notre droit à l'existence, sans nous donner les moyens de remplir la mission que nous assigne notre position géographique.

Son œuvre, conçue, dans cet esprit, ne pouvait être qu'une œuvre boiteuse.

La guerre a fait la preuve de sa fragilité.

II.

LA QUESTION DE L'ESCAUT.

D'où provient
et que signifie
l'installation de
la Hollande sur
la rive gauche
du fleuve.

Il suffit de jeter un coup d'œil sur la carte pour être frappé du caractère artificiel et illogique que présente en certains points la frontière hollando-belge.

Nulle part cet illogisme n'éclate avec plus d'évidence que dans la région des Flandres.

N'apparaît-il pas, en effet, que la nature elle-même a tracé la limite septentrionale de cette région en creusant le lit du Bas-Escaut et qu'il a fallu méconnaître ses données les plus claires pour détacher de la Belgique l'étroite bande de terrain qui borde la rive gauche du fleuve ?

Pourquoi cette parcelle des Flandres se trouve-t-elle incorporée politiquement à un Etat dont l'étendue d'un véritable bras de mer l'isole complètement ? D'où provient cette anomalie ?

Elle est le vestige d'une politique qui remonte aux origines de l'Etat néerlandais et qui procède à la fois d'un désir de destruction et d'un souci de défense. La possession de la Flandre zélandaise signifiait pour les Provinces-Unies la maîtrise du Bas-Escaut et par suite, la possibilité de tuer Anvers au profit d'Amsterdam et des ports de la Zélande.

Elle assurait d'autre part à la nouvelle République un précieux glacis contre l'Espagne et contre la France. Envisagée sous ce dernier aspect, la conquête de la rive gauche par les troupes de Nassau apparaît comme la première ébauche d'un système qui devait recevoir son couronnement au début du XVIII^{ème} siècle dans les Traités de la Barrière. Elle implique l'utilisation du sol belge comme d'un moyen de défense. Elle tend, selon l'expression de J. B. Nothomb, à nous faire jouer le rôle de "fonds servant" au profit de la Hollande (†).

L'Escaut du
Traité de
Münster à la
Révolution
de 1830.

Dès l'instant où la rive gauche de l'Escaut fut en leur pouvoir, les Hollandais revendiquèrent une souveraineté sans limites sur la partie du fleuve coulant à l'intérieur de leurs frontières.

(†) La rive gauche de l'Escaut, comme le Brabant septentrional et les enclaves d'outre Meuse où les Provinces-Unies étaient également installées, reçut une administration spéciale, correspondant au rôle subalterne qu'elle devait tenir dans l'état nouveau. On ne l'érigea pas à la dignité d'une province, on refusa de l'assimiler à la nation proprement dite. Était-elle autre chose qu'une digue, un rempart, une barrière ? Elle resta en marge du territoire national et fit partie des terres d'administration commune, des "pays de généralité." Le Conseil des 9 membres qui l'administrait ne siégeait même pas sur son territoire. Il fonctionnait à Middlebourg.

La Belgique, au contraire, n'a cessé de soutenir que le Bas-Escaut, port d'Anvers sur la mer, devait rester librement ouvert à la navigation. Ces deux thèses, au cours de l'histoire, se sont fréquemment heurtées.

Le Traité de Münster (1648), faisant droit aux prétentions hollandaises, consacra la fermeture de l'Escaut, et ce fut la ruine d'Anvers.

Confirmé en 1785 par le Traité de Fontainebleau (††) cet état de choses dura jusqu'au jour où la France révolutionnaire décréta la libération du fleuve (1^{er} février 1793), et comme complément nécessaire de cette libération, exigea de la Hollande la cession de la Flandre (Traité de La Haye de 1795).

Les prétentions de la Belgique et de la Hollande en 1830. Lorsqu'éclata la révolution de 1830, l'Escaut était libre. Mais, dès le début des hostilités, le gouvernement de La Haye en ordonna la fermeture, et dans plusieurs notes adressées à la conférence de Londres, il reprit ses anciennes prétentions à la souveraineté absolue en aval de Lille (Voir notamment la note du 10 décembre 1830—Annexe B au protocole n° 5).

De son côté, la Belgique revendiqua immédiatement la liberté complète de la navigation et la possession de la Flandre zélandaise. Le 6 janvier 1831, ses délégués remettaient à Lord Palmerston un mémoire qui s'exprimait comme suit :

“La ci-devant Flandre des Etats, réunie aux départements de l'Escaut et de Lys en 1795, ne peut cesser de faire partie de la Flandre Orientale et de la Flandre Occidentale, qui remplacent aujourd'hui, sous une autre dénomination, les deux anciens départements belges; *sans la possession de la rive gauche de l'Escaut, la Belgique serait à découvert de ce côté et la libre navigation du fleuve pourrait n'être qu'une stipulation illusoire.*

“Les Hollandais, maîtres du pays situé sur cette rive, et maîtres par conséquent de toutes les écluses construites pour

(††) Le Traité de Fontainebleau marqua l'échec de la politique de Joseph II qui s'était efforcé d'obtenir de la Hollande la libération de l'Escaut.

l'écoulement des eaux de la Flandre ci-devant autrichienne, inonderaient à volonté, comme ils l'ont fait à des époques antérieures, le sol dont se composerait le territoire belge.

“La ville de Gand, qui communique avec l'embouchure de l'Escaut par le nouveau canal de Terneuzen, perdrait tous les avantages commerciaux résultant pour elle de ce moyen de grande navigation.”

L'attitude de
la conférence.

La conférence, mise en présence de deux prétentions aussi contradictoires, s'efforça de les concilier par un moyen terme.

Ecartant *de plano* notre revendication de la rive gauche, et repoussant sans plus d'hésitation les exigences de la Hollande, considérées à juste titre comme incompatibles avec les principes nouveaux du droit international aussi bien qu'avec l'intérêt commun des nations commerçantes, elle se borna d'abord à déclarer applicables à l'Escaut les articles 108 à 117 de l'Acte général de Vienne (Bases de séparation des 20-27 janvier 1831. Annexe A au protocole n° 12).

Si la Conférence s'en était tenue là, elle eût traité l'Escaut comme un fleuve international ordinaire, elle eut méconnu la situation *anormale, exceptionnelle* dans laquelle il se trouve par le fait qu'une puissance étrangère, concurrente d'Anvers, y détient les issues de ce port mondial, *sans qu'aucun intérêt personnel ne l'incite à favoriser son appropriation, voire simplement à prendre les mesures que requiert son entretien.*

La conférence de Londres n'a pas versé dans cette erreur où, plus exactement, elle ne s'y est pas attardée.

Comprenant que, dans le cas spécial de l'Escaut, l'application des principes de Vienne se heurterait à des écueils qui en briseraient l'efficacité si l'on ne prenait soin de les renforcer par des garanties complémentaires, elle inséra dans les XXIV articles d'octobre-novembre 1831 une disposition nouvelle ainsi conçue :

“En ce qui concerne spécialement la navigation de l'Escaut, il sera convenu que le pilotage, le balisage ainsi

que la conservation des passes en aval d'Anvers seront soumis à une surveillance commune; * * * que des droits de pilotage modérés seront fixés d'un commun accord et que ces droits seront les mêmes pour le commerce hollandais et pour le commerce belge."

Ainsi se trouvait consacré le principe de la "Surveillance commune"—principe évidemment exorbitant du droit commun, si l'on entend par droit commun le régime des fleuves ordinaires. Pendant sept années, le cabinet de La Haye ne cessa de soutenir que la conférence, par ces dispositions nouvelles, instituait sur le Bas-Escaut une sorte de co-souveraineté. Il n'est pas contestable, en tous cas, que l'exercice de la souveraineté hollandaise se trouvait restreint dans une mesure beaucoup plus large qu'il ne l'eût été par la seule application des principes du Congrès de Vienne. Cette attitude de la conférence lui était imposée par la logique des choses; et c'est ce que les diplomates de Londres répondirent à la Hollande, qui leur proposait en exemple le régime du Rhin:

"* * * Le commerce des principales villes de la Hollande se fait par ce fleuve (le Rhin), dit leur mémoire du 4 janvier 1832, et sur des bâtiments auxquels le gouvernement néerlandais est intéressé à offrir des facilités. *Le même intérêt n'existe pas sur l'Escaut* * * * et le pilotage, ainsi que le balisage semblaient y réclamer une garantie de plus. La conférence avait d'ailleurs entendu la Hollande invoquer le droit de clôture de l'Escaut, elle avait été avertis que, faute d'entretien des balises, la navigation des passes de ce fleuve commençait à devenir difficile. Il n'est donc pas surprenant qu'elle ait jugé nécessaires des stipulations destinées à prévenir le renouvellement d'une telle difficulté (†)."

La conférence tint bon et le traité du 19 avril 1839 comme les XXIV articles, établit la surveillance commune du pilotage, du balisage et de l'entretien des passes, la fixation d'un commun accord des droits de pilotage et le droit réciproque de pêche.

Il va même plus loin, car l'expérience de sept années qui s'étaient

(†) Bon Guillaume. L'Escaut depuis 1830. 1-46.

écoulées depuis la rédaction des XXIV articles avait fait apparaître aux yeux de la conférence l'insuffisance de son système. Aussi s'était-elle résolue à le compléter par trois dispositions; la première autorisant les deux pays à établir des services de pilotage dans tout le cours de l'Escaut et à son embouchure,—la deuxième fixant le montant du droit de tonnage à percevoir par la Hollande,—la troisième obligeant le gouvernement néerlandais à ouvrir à la navigation belge "d'autres voies aussi sûres, aussi bonnes et commodés" si des événements naturels ou des travaux d'art rendaient un jour impraticables les voies de navigation visées par le traité.

Précautions nouvelles, procédant toujours du même point de vue.

La conférence de Londres a donc parfaitement

Caractère
bâtard de la
solution à
laquelle elle
s'est arrêtée.

compris les difficultés qu'entraîne la position de l'Escaut. Elle s'est rendu compte que, pour répondre à cette situation particulière, un régime spécial s'im-

posait. Mais elle n'a pas osé tirer de ses constatations les conséquences qui, logiquement, en découlaient. Par crainte de déplaire à la Hollande et aux cours du Nord qui encourageaient sa résistance, elle a reculé devant la seule solution du problème qui soit conforme à la nature des choses et aux intérêts du commerce mondial: l'attribution à la Belgique de la maîtrise du Bas-Escaut appuyée par la possession de la rive gauche.

La formule du traité de 1839 est une formule bâtarde. Le principe moderne de la liberté des fleuves y coudoie certains vestiges du système odieux qui avait consommé jadis la ruine d'Anvers par la fermeture de l'Escaut. Ce mélange d'éléments contradictoires ne pouvait être que la source d'incessantes difficultés. Celles-ci ne prendront fin que le jour où l'autorité sur le Bas-Escaut sera attribuée sans réserves, sans entraves, à l'état qu'intéresse directement la prospérité d'Anvers.

La "surveillance commune" imaginée en 1831 n'est qu'un palliatif dont l'expérience a montré l'insuffisance.

III

NOTRE FRONTIÈRE DE L'EST.

Notre frontière de l'est est entièrement artificielle. Elle ne correspond ni à la délimitation des groupes nationaux, ni à des données géographiques ou historiques. Exclusivement déterminée par les vues politiques et les convenances militaires de nos voisins, elle apparaît comme une survivance des traités de 1815, et la conférence de Londres a plutôt empiré qu'amélioré ici l'œuvre du congrès de Vienne.

* * *

L'œuvre
de 1815.

Le traité de Paris du 30 mai 1814 prévoyait la création du Royaume des Pays-Bas. Des articles secrets en réglaient sommairement les limites. Aux termes de l'un d'entre eux, "les pays compris entre la mer, les frontières de la France telles qu'elles se trouvent réglées par le présent traité, et la Meuse" devaient être réunis à la Hollande. L'article suivant portait "Les frontières sur la rive droite de la Meuse seront réglées selon les convenances militaires de la Hollande et de ses voisins."

La question de la possession de la rive droite de la Meuse étant ainsi réservée aux négociations futures, les alliés réglèrent par la convention militaire du 31 mai 1814 l'occupation provisoire des territoires reconquis. Celle de la rive gauche du fleuve fut confiée aux armées anglo-hollandaises; celle de la rive droite aux armées prussiennes.

Immédiatement les efforts de la Prusse tendirent à convertir ce droit d'occupation en un droit de souveraineté.

Ils se heurtèrent toutefois à l'opposition du Gouvernement britannique: Wellington, en effet, caressait le projet de porter le nouveau royaume des Pays-Bas jusqu'au Rhin, dans l'intérêt de sa défense militaire.

La politique anglaise et la politique prussienne entraient directement en conflit. Elles durent l'une et l'autre renoncer à la réalisation intégrale de leurs plans.

En vertu des articles 25 et 66 de l'acte final de Vienne ⁽¹⁾, le Royaume des Pays-Bas garda, dans leur ensemble, les anciens départements de l'Ourthe et de la Meuse inférieure, ainsi que les deux rives de la Meuse depuis Venloo jusqu'à Knock.

Néanmoins la Prusse, grâce à son obstination tira de la combinaison certains avantages précieux dont pâtit notre frontière de l'Est.

Solidement assise sur le Rhin, elle se vit attribuer toute la partie du Luxembourg située sur la rive droite de la Moselle et sur la rive gauche de la Basso-Sure et de l'Our. Elle mit la main sur Saint-Vith, Reuland et tout le canton qui les entoure; s'empara de Malmédy, Cronembourg, Bütgenbach, Elsenborn, du canton d'Eupen et d'une partie du Moresnet. Plus au Nord, elle s'appropriâ Rolduc et UBach et enfin les territoires de Haute-Gueldre bordant la rive gauche du Zwalmen. Nous perdîmes notre rempart de l'Eifel.

D'autre part, en vertu de l'article 67 de l'Acte de Vienne, la Confédération germanique étendit son contrôle sur l'ancien duché de Luxembourg.

Depuis le commencement du moyen âge l'histoire du Luxembourg s'était confondue avec celle de la Belgique. C'est comme province belge que la loi du 9 Vendémiaire, an IV, l'avait réuni à la République Française.⁽²⁾ C'est comme tel que l'Autriche l'avait cédé à la France par les traités de Campo-Formio et de Lunéville. C'est comme tel enfin que le traité de Londres de juin 1814 l'avait donné à la Hollande. Jusqu'en 1815 le Luxembourg n'avait jamais eu de rapports spéciaux avec l'Allemagne.

Mais l'importance stratégique du Duché n'avait pas échappé aux Alliés. Bâtie sur un rocher et entourée de vallées étroites sa capitale était considérée comme une citadelle inexpugnable. La situation du Luxembourg décida de ses destinées au Congrès de Vienne. Les

(1) Précisés par les Conventions d'Aix-la-Chapelle et de Clèves de 1816.

(2) Il forma les Départements des Forêts et une partie de ceux de l'Ourthe et de Sambre et Meuse.

Puissances alliées, après l'avoir écorné au profit de la Prusse ⁽¹⁾ exclurent du Royaume des Pays-Bas la plus grande partie de l'ancien duché, celle qui avait formé le Département des Forêts de l'Empire Français. Mais, par une sorte de tour de passe-passe, elles rendirent ce territoire au Roi Guillaume, personnellement, en compensation de ses principautés patrimoniales allemandes de Nassau-Dillenburg, Siegen, Hadamar et Dietz, auxquelles il renonçait. L'ancien duché prit le nom pompeux de Grand Duché de Luxembourg et dut entrer dans la nouvelle Confédération germanique; la ville de Luxembourg devint une forteresse fédérale; le Roi des Pays-Bas, en sa qualité de Grand Duc, fit partie du Collège des Princes allemands de la Confédération.

Ainsi les Traités de Vienne, tout en refusant à la Prusse la frontière de la Meuse l'en rapprochaient sensiblement et ouvraient à l'influence allemande certains points vitaux de notre système naturel de défense.

Les revendications de la Belgique en 1830.

Telle était la situation lorsque la révolution belge vint remettre en question l'œuvre de 1815.

Forte de ses droits historiques et voulant d'autre part se constituer sur des bases capables d'assurer son indépendance, la Belgique revendiqua immédiatement la possession intégrale du Luxembourg et du Limbourg.

En ce qui concerne le Limbourg elle faisait valoir que cette province avait toujours fait partie de son territoire. Il est vrai que la Hollande y avait possédé jadis certaines *enclaves* groupées autour de Maestricht, de Stevensweert et de Venloo. Mais ces enclaves avaient été cédées à la France par le traité de la Haye de 1795. Parmi elles Maestricht occupait une situation spéciale en ce sens que la souveraineté n'y avait jamais appartenu pleinement à la Hollande, qui jusqu'en 1795 en partageait l'exercice avec les Princes Evêques de Liège.

(1) La Prusse obtint en toute souveraineté les cantons de Bitbourg, de Saint-Vith, de Schleiden et de Cronembourg.

Quant au Luxembourg, ses négociateurs n'eurent guère de peine à établir, pièces en mains, que la fiction imaginée par le Congrès de Vienne pour le soumettre au contrôle de la Confédération germanique n'avait pas affecté sa qualité séculaire de province belge.

De 1815 à 1830, Luxembourg en effet n'avait cessé de participer, en droit et en fait, à la vie politique et administrative du Royaume des Pays-Bas. A aucun moment il ne fut considéré par le Roi Guillaume comme un état distinct de ses autres possessions. Soumis à la même constitution, au même ordre successoral, aux mêmes institutions, aux mêmes lois, il resta, ce qu'il avait toujours été, partie intégrante de la Belgique. Ses députés siégèrent aux Etats Généraux, où ils furent comptés parmi les 55 représentants accordés au peuple belge.

Si les traités de Vienne l'avaient grevé d'une servitude au profit de la Confédération, pour le surplus aucune déviation ne s'était opérée dans le cours de son histoire.

Les événements eux-mêmes se chargèrent d'ailleurs de prouver à l'Europe que le Luxembourg était bien resté belge. Spontanément le Grand Duché s'associa au mouvement révolutionnaire de 1830 et lui fournit dès l'origine certains de ses chefs les plus éminents au premier rang desquels se dessine la grande figure de J. B. Nothomb.

Dans le Limbourg comme dans le Luxembourg les revendications de la Belgique indépendante ne faisaient que répondre aux vœux librement et nettement exprimés des populations.

Le droit des peuples de disposer d'eux-mêmes eût suffi pour les justifier.

Quelle que fût leur légitimité la Conférence de

Les solutions
successivement
admisses par la
Conférence de
Londres.

Londres refusa de les admettre.

Son principal souci était le maintien de la paix générale. Manœuvrée par la Prusse, elle y sacrifia

nos droits et nos intérêts.

Au cours des négociations, trois solutions recueillirent successivement son adhésion.

La première fut celle des "bases de séparation" du mois de janvier 1831. Elle exclusit purement et simplement du territoire belge le Grand Duché de Luxembourg. Quant au Limbourg, elle se bornait à poser le principe d'un échange d'enclaves, sans préjuger l'application qui en serait faite (I).

La deuxième solution—celle des XVIII articles du 26 juin 1831—marque sur la précédente un notable progrès en notre faveur. Elle maintenait, il est vrai, pour le Limbourg le principe d'un échange d'enclaves, mais dans des conditions nouvelles qui nous permirent, de compter sur la possession intégrale de cette province (II). D'autre part, elle détachait la question luxembourgeoise de l'ensemble du problème hollando-belge, la soumettait à une négociation distincte et nous faisait espérer non seulement la possession provisoire du Grand-Duché pendant tout le cours de cette négociation, mais encore son acquisition définitive.

La troisième et dernière solution—celle des XXIV articles du 15 novembre 1831 reprise dans le traité du 19 avril 1839—porte la marque des revers subis par nos armes au mois d'août 1831 en même temps qu'elle enregistre une victoire nouvelle des prétentions prussiennes. Une préoccupation la domine : celle d'établir le contrôle allemand sur les positions stratégiques importantes du Limbourg et du Luxembourg pour faire contrepoids à l'influence française, dans l'orbite de laquelle les cours du Nord craignaient de nous voir un jour ou l'autre entraînés.

(I) Nous avons rappelé plus haut que les Provinces-Unies avaient possédé jadis dans le Limbourg certaines enclaves cédées à la France en 1795 par le Traité de La Haye. La Conférence, en assignant à la Hollande ses frontières de 1790, aboutissait à considérer cette cession comme non avenue. De là, l'article 4 des "bases de séparation" ainsi conçu : "Comme il résulterait * * * des bases posées dans les articles 1 et 2 que la Hollande et la Belgique posséderaient des enclaves sur leurs territoires respectifs, il sera effectué par les soins des cinq cours tels échanges, arrangements, entre les deux pays, qui leur assureraient l'avantage réciproque d'une entière contiguïté de possession et d'une libre communication entre les villes et places comprises dans leurs frontières."

(II) Les 18 articles assignaient à la Hollande ses possessions de 1790, tout le reste de l'ancien royaume des Pays-Bas revenant à la Belgique. Or en 1790 certaines enclaves allemandes subsistaient encore en territoire hollandais, qui ne furent cédées à la Hollande qu'en 1800. D'après le système adopté par la Conférence, ces enclaves nous appartenaient donc et leur échange contre celles que la Hollande pouvait revendiquer dans le Limbourg eut eu pour effet de nous assurer toute l'étendue de cette province. C'est ce que les négociateurs belges, spécialement Nothomb, réussirent à faire admettre par la Conférence.

Le Luxembourg fut coupé en deux tronçons, l'un rattaché à la Belgique, l'autre continuant à faire partie, comme état distinct, de la Confédération germanique.

En compensation de ce prétendu cadeau, la Conférence de Londres nous enleva la partie septentrionale du Limbourg, toute la rive droite de la Meuse ainsi que la position capitale de Maestricht.

Au point de vue belge, cette solution était désastreuse. Elle nous privait de territoires importants qui au cours de l'histoire n'avaient cessé de faire partie intégrante de notre sol. Elle menaçait nos intérêts commerciaux et paralysait notre défense militaire.

Au point de vue allemand elle constituait un remarquable succès.

La solution du
Traité de 1839
marque la vic-
toire de la
politique
germanique.

Sans doute le Luxembourg se trouvait-il morcelé. Mais la Confédération germanique en conservait tous les points essentiels, notamment la forteresse de Luxembourg. La partie qui nous était laissée ne représentait, au point de vue économique et stratégique, qu'une importance tout à fait secondaire.

De plus, le Grand-Duché, détaché de la Belgique, privé désormais de toute liaison territoriale avec la Hollande et réduit à des proportions minuscules, ne pouvait manquer de tomber plus complètement encore sous le contrôle allemand.⁽¹⁾

De ce côté la Prusse ne perdait donc rien à la combinaison.

Elle y gagnait par contre, dans le Limbourg une position que ni l'une ni l'autre des deux solutions précédemment envisagées par la Conférence ne lui permettait d'espérer.

Les articles 3 et 4 du Traité du 19 avril 1839, en établissant

(1) La dissolution de la Confédération germanique en 1867 fit disparaître le lien qui le rattachait primitivement à l'Allemagne. Sous d'autres formes, et par d'autres voies, l'influence allemande n'en continua pas moins à s'exercer dans le Grand-Duché. En 1842, en effet, le Luxembourg était entré dans le Zollverein. D'autre part, la guerre franco-allemande de 1870 fournit à Bismarck l'occasion de mettre la main sur le sésau du Guillaume-Luxembourg. Enfin l'avènement au trône grand-ducal de la Branche allemande des Nassau y favorisa à son tour la pénétration germanique. Livré à toutes ces influences, neutralisé et désarmé par le Traité de Londres du 11 mai 1867, comment le Luxembourg eût-il pu résister à la formidable pression de son voisin de l'Est?

un rapport de compensation entre la cession d'une partie du Luxembourg et celle d'une partie du Limbourg, soudaient étroitement l'une à l'autre ces deux questions.

Aux termes des articles 3 et 4 les territoires limbourgeois qui nous étaient ravis se trouvaient cédés à titre "d'indemnité territoriale" au "Roi des Pays-Bas, Grand-Duc de Luxembourg," qui devait les posséder "soit en sa qualité de Grand-Duc de Luxembourg, soit pour être réunis à la Hollande."

Par l'article 5, le Roi-Grand-Duc était invité à s'entendre avec la Confédération germanique sur les arrangements à prendre pour l'application des articles précédents.

Ce n'est pas sans peine que l'on se mit d'accord sur cette formule. La Hollande eut voulu se voir attribuer en toute souveraineté le Limbourg septentrional et la rive droite de la Meuse.

Mais la Prusse, quel que fût le lien qui l'unissait à la Dynastie de Nassau, quelque confiance qu'elle mît dans la politique du Gouvernement néerlandais, entendait profiter de l'occasion pour s'assurer d'une façon plus substantielle et plus certaine la contrôle de notre défense mosane. Elle exigea que les droits fédéraux dont se trouvait précédemment grevé le Luxembourg wallon fussent reportés sur la partie du Limbourg dont l'abandon nous était imposé. La Hollande dut s'incliner devant les prétentions de la Confédération germanique.

Le Limbourg, érigé en duché, fut rattaché à la Confédération. Celle-ci, par un acte d'accession portant la date du 19 avril 1839 donna son agrément aux arrangements territoriaux conclus le même jour entre la Belgique et la Hollande sous l'égide et la garantie des cinq cours représentées à Londres. Cet acte fait apparaître sous son vrai jour la portée des combinaisons que la diplomatie des grandes Puissances nous contraignait d'accepter. Il en souligne le caractère nettement germanique.

IV.

LA NEUTRALISATION DE LA BELGIQUE.

La structure territoriale que les Traités de 1839 nous ont imposée procède de la méfiance que les Cours du Nord nous témoignaient et de leur volonté de maintenir sous une forme nouvelle la barrière que le Congrès de Vienne avait dressée contre la France.

La statut de neutralité permanente dont ils ont grevé la Belgique trouve son origine dans les mêmes sentiments et dans le même dessein.

“Les Belges, écrivait un des membres de la Conférence de Londres, ont été de tout temps une nation inquiète et turbulente. Il semble nécessaire de la *condamner* en quelque sorte à une *existence paisible* et de la forcer à porter son attention entière sur le commerce et l'industrie qui la rendraient tous les jours plus rivale de la France et plus disposée à la Hollande.”⁽¹⁾

En nous mettant à l'écart des mouvements de la politique internationale, en élevant autour de nous la cloison conventionnelle de la neutralité, on voulait réduire autant que possible l'avantage que la France pouvait retirer du bouleversement survenu dans l'œuvre du Congrès de Vienne.

A la Belgique la neutralité permanente fut présentée comme un gage d'inaltérable sécurité. Placée sous la garantie des Puissances, elle devait nous mettre à l'abri de toutes les convoitises étrangères. Dès lors ne justifiait-elle pas l'attitude de la Conférence dans le règlement des contestations territoriales? Qu'importait la valeur stratégique de nos frontières, si nous étions assurés d'une paix sans mélange? On le voit, tout se tient et s'engrène dans le système des traités de 1839.

* * *

(1) Rapport du Prince de Lieven, du 22 janvier 1831, citant un propos de Lord Palmerston.

Ce système n'eut pas le fruit de notre libre volonté, pas plus qu'il n'est sorti de la volonté libre de la Hollande.

L'Europe l'imposa au nom d'une conception politique aujourd'hui abolie.

Nous n'acceptâmes son verdict que la mort dans l'âme.

“Sa Majesté désirant épargner à son peuple tous les malheurs qu'entraînerait à sa suite l'exécution forcée de ces XXIV articles, et ne voulant pas exposer l'Europe à une guerre générale, cède à la loi impérieuse de la nécessité, adhère aux conditions dures et onéreuses qui sont imposées à la Belgique par la Conférence de Londres. Il a fallu toutes ces considérations, il a fallu enfin une force majeure à laquelle rien ne saurait résister pour que Sa Majesté pût se résigner à abandonner des populations généreuses qui l'ont saluée à son avènement comme leur libérateur et leur soutien, et qui pendant quinze mois, se sont imposé toutes les privations et ont montré un dévouement à toute épreuve pour le soutien d'une cause et d'un état dont une nécessité cruelle leur impose la loi de ne plus faire partie.”

Ainsi s'exprimait notre Plénipotentiaire à Londres, Sylvain Van de Weyer, en adhérant aux XXIV articles.

La Belgique depuis lors a fait ses preuves.

Elle renouvelle aujourd'hui sa protestation de 1831 et demande réparation de l'erreur dont elle fut la victime.

Abstract^a of Confidential Memorandum^b Submitted to the American Commission to Negotiate Peace by His Excellency the Belgian Minister at Paris, 17 January, 1919

The intention of Belgium to demand the revision of the Treaties of 19 April, 1839 was brought to the notice of the Allied Governments at the close of their conference at Paris, 26 July, 1917. Upon the signing of the armistice, and since then, the Belgian Government has invited France and England to join it in considering the revision of the Treaties of 1839.

The Treaties of 1839 were not the result of a free negotiation between Holland and Belgium, but were imposed upon each of them by Austria, France, England, Prussia and Russia.

The opposition thereto of Holland continued from 1831 to 1839. Belgium only accepted the conditions imposed, including her neutralisation, because she was led to believe that such an arrangement would definitely protect her against the danger of being drawn into future wars between the Great Powers. She consented to the dismembering of her territory only because of the risk of bringing about a general European war attached to a further resistance. The foregoing was borne out by the protest of the Belgian Parliament, and of King Leopold the First, upon the signing of the Treaties of 1839, and by the authorized organizations of the lost provinces.

By reason of the present war, from which Belgium was to be protected, the arrangement has become bankrupt and the Treaties of 1839 have ceased to exist, especially as the war was brought on by two of the guarantor Powers.

The historical and juridical notes^c which accompany the present

a. See Diary, p. 108.

b. Document 298.

c. Documents 299 and 300.

memoire sufficiently show the purpose of the Treaties of 1839, as well as the entirety of the arrangement, so that the revision of the whole becomes necessary by reason of the failure of a part thereof.

The other Powers are equally interested with the Powers signatory to the Treaties of 1839 in the new system which must replace the old.

This new system must be determined by France, Great Britain and Belgium, and when agreed upon with Holland can be communicated to the enemy Powers which have broken, and to Russia which has failed to discharge her obligations and her treaties.

If Holland had an historical right to independence, Belgium at least had an historical right to autonomy.

The distrust of the great Powers in Belgian military capacity was increased by the defeat suffered in 1831 by the Provisional Government.

The Conference of London accordingly strengthened the Dutch half of the former Kingdom of the Netherlands at the expense of the Belgian half, in spite of the protest of the inhabitants of the latter.

The eastern half of the Grand Duchy of Luxembourg was given to the Dutch dynasty and incorporated in the North German Confederation which garrisoned the same.

The eastern part of Limbourg, including the forest of Maestricht, is the key to the line of the Meuse.

The neutralisation of Belgium, and its guarantee by the great Powers, was intended to compensate Belgium for the weakness of frontiers thus imposed.

The War of 1914-1918 has shown the errors of the arrangement of 1839. The neutral and disarmed territory of the Grand Duchy of Luxembourg was immediately occupied by Germany and used as the natural field of concentration by the German armies.

Antwerp could not be relieved by reason of the sovereignty of Holland on both banks of the Scheldt. The impossibility of the neutralisation of Belgium in the future logically implies the necessity of returning to Belgium the lost provinces of which she would not have been deprived by the Powers in 1839 unless they had believed that her neutralisation would prove efficacious. Belgium counts on the initiative and cooperation of the French and Belgians in the correction of the error and the injustice done her in 1839, the consequences of which have brought her to the verge of destruction.

Unless the peace fully satisfies the Belgian's just claims she will be left morally stultified by the victory to which she has contributed, and her future existence would be even more precarious than under the arrangement of 1839.

Holland, under the system of 1839, received advantages upon an hypothesis which the course of events has not justified. She was expected to play her part in a general European war, but circumstances have allowed her to remain neutral without doing so, and without even protesting against the violation of the Treaties to which she is a party, but Belgium will make no complaint on Holland's attitude, unless she objects to the revision of the Treaties.

The rectification of the Belgian frontier should be the subject of friendly negotiations with Holland which should receive compensations in Prussian Gueldres and East Frisia, or in Colonial territory or financial indemnities, or in the guarantee of the peaceful possession by Holland of her Colonies, or otherwise. The maintenance of the friendly relations with Holland, so important to Belgium, will become difficult, if the former obstinately refuses to become a party to such an arrangement, and will be put to a serious test.

The following expresses the solution which the Belgian Government hopes may be adopted:

1. Belgium must be free from her former neutralisation, and must enjoy full sovereignty with other free nations.

2. For the commercial freedom of Antwerp, in peace, and its safety in war, the position of Holland and Belgium on the Scheldt must be reversed, sovereignty over that river passing to Belgium, subject to such restrictions as are necessary to the protection of Dutch interests therein. The territory on the left bank of the Scheldt must become Belgian territory.

3. Since the prosperity of Belgium depends upon that of Antwerp, and that of the latter on the economic ways of communication feeding that port, Belgium must be in position to develop such ways running East and West across Dutch Limburg, which have hitherto been neglected by the Dutch, in order to reach Crefeld, Stollberg, Munchen, Gladbach, Neuss, etc., whose outlet is naturally by way of Antwerp.

This would only be just, as Rotterdam and Amsterdam, which compete with Antwerp, have received an unfair advantage by the closing of the Port of Antwerp during the four years of the war. Furthermore, the strategical safety of the eastern Belgian frontier is involved, for the entire line of the Meuse can be turned at any time in the future at which Germany may choose to violate Dutch neutrality for that purpose and seize Dutch Limburg, with its bridgehead across the Meuse at Maastricht. Holland has admitted her inability to defend southern Dutch Limburg by her consent to the withdrawal of the German troops across that territory in 1918. Thus the question of Limburg has been raised by the events of the war of 1914-1918.

4. The Belgian Government has communicated to its Allies its views on the Grand Duchy of Luxembourg, which will itself decide its future within the limits which the safety of Belgium imposes. In this respect the Belgian Government deems the continued existence of its neutrality and its guaranty to be impossible, as well as the continued existence of its economic ties with the Ger-

man Empire. In this respect the Belgian Government knows that the intentions of the Government of Luxembourg are in accord with its own wishes.

In 1815 the cantons of Rolduc and Eupen were detached from the Duchy of Limburg; Malmédy was separated from Stavelot; the districts of St. Vith, Schleiden, Cronenburg, Bitbourg, Arzfelt, etc., from the Duchy of Luxembourg, and were assigned to Prussia in compensation for her renunciation of claim to certain Saxon territory.

The Belgian Government today has the right to reclaim from Prussia such territory taken from it solely in the interest of Prussia. Furthermore, the present eastern frontier of Belgium is so close to Liége that the German army was able to attack that fortress on the 4th August 1914, a few hours after crossing the frontier.

The canton of Malmédy is entirely Walloon, and already many of its inhabitants have asked for its union to Belgium. The Prussian and Belgian condominium over the small neutral territory of Moresnet must be terminated in Belgium's favor.

Whether these latter claims of Belgium be granted in full, or in part, in either event a large strip of Prussian territory will exist on the left bank of the Rhine.

Under present circumstances Belgium demands to be heard when the question of the positions relative to the left bank of the Rhine come to be considered.

Summary of Juridical Note^a upon Revision of the Treaties of 1839*Part I**The Basis and Extent of the Revision*

A revision in respect of all Powers signatory to the Treaties (Austria, Belgium, German Empire, Great Britain, France, Holland, and Russia) of all clauses thereof is proposed by the Belgian Government.

Belgium has the right to consider the Treaties at an end as far as concerns Germany and Austria.

The right of Russia to participate in any revision of the Treaties is denied by reason of her abandonment of her own performance thereof.

Great Britain and France, who have fully performed, have adhered to the abrogation of the stipulation for neutralization.

Two arguments are advanced in support of the proposition for the necessity of the revision of the Treaties: (1) based upon the proposition that the arrangement of 1839 was imposed both upon Holland and upon Belgium as part of a European political system which has passed away. (2) based upon the proposition that the consideration received by Belgium for concessions in other respects made to Holland by the Treaties of 1839 has failed when her neutrality was violated by Germany and Austria.

The violation of the Treaties of 1839 in respect to an essential clause gives Belgium the right to denounce the Treaties in their entirety, and to seek a revision thereof in all respects.

(1) The breach of a treaty in an essential respect gives the other party thereto the right to denounce the same. The authorities are divided only on the question whether such violation must be of an essential clause.

(2) The provisions of the Treaties of 1839 form an indivisible whole.

a. Document 299. See Diary, p. 108.

Belgium has been prejudiced by the violation of an essential provision of the Treaties.

Accordingly, Belgium undeniably has the right to demand a revision of the Treaties in all respects.

Part II

Procedure to be followed in the matter of the Revision of the Treaties of 1839. The part of Great Britain and of France in the Negotiations.

The Treaties of 1839 being imposed upon Belgium and Holland by the Powers in the general interest of Europe, it follows (1) that in their revision the general European interest must be considered; and (2) the revision requires the participation of France and Great Britain, who are responsible for the system set up in Europe by the treaties, and who have not breached them.

The failure of the system of 1839 creates an interest for the two Powers in adapting the territorial arrangements then imposed upon Belgium to the new order.

The frontiers of Belgium having been established in 1839 in consideration of their protection by her neutralization, the necessity for an improvement of the territorial delimitation of Belgium results from the abrogation of her neutralization; in this respect Belgium has the right to demand the support of the two guaranteeing Powers.

The appropriate form for such revision will be the participation of Holland, at their invitation, with Great Britain, France, and Belgium, in a limited conference. An exchange of views should precede such a conference with Holland for the purpose of an agreement upon the principles to be applied, and the compensation to be offered to the latter.

The agreement reached with Holland would then be imposed upon the enemy guaranteeing powers, and communicated to Russia.

22 January, 1919.

Summary of Historical Note^a upon the Revision of the Treaties of 1839

I.

THE SPIRIT OF THE TREATIES OF 1839.

The work of the Congress of Vienna.

The work of the Congress of Vienna was the joining of Belgium and Holland in the Kingdom of the Netherlands established against France and open to the Coalition of the other Great European Powers; the protection of the Moselle and the Rhine being given to Prussia.

Disturbance of this work by the Belgian revolution.

The Belgian revolution of 1830 destroyed this arrangement, while Belgium's territorial delimitation raised the question of Prussian encroachment towards the Meuse. Sympathy between the revolutionary movements of the day in France and in Belgium increased the concern of Prussia and Russia.

The policy of the Conference of London.

The *fait accompli* made the re-establishment of the system of 1815 impossible. The Conference sought to preserve its spirit and achieve its object by "such new arrangements as will be most proper to bring the independence of Belgium in line with the stipulations of the Treaties, with the interests and security of the other Powers, and with the maintenance of the balance of Power in Europe."^(*)

The fate of the Belgian claims.

"It will no doubt appear impossible that Belgium should constitute an independent State without the immediate guarantee of the freedom of the Scheldt, of the possession of the left bank of this River, of the entire province of Limbourg, and of the Grand Duchy of Luxembourg."^(**)

Only a limited and insufficient freedom of the Scheldt was accorded. Its left bank, and the more important possessions of Lim-

a. Document 300. See Diary, p. 108.

(*) 7th Protocol of the Conference of London, 20 December 1830. Br. & For. St. Pap., vol. 18, p. 749.

(**) Belgian Note to the Conference of London, dated 3 January 1831.

bourg and Luxembourg were denied to Belgium by the Conference of London.

Permanent neutralization completed this system of territorial occupation.

The error of the Conference of London. The Europe of 1830 failed to grasp the necessity for a free and strong Belgium. Prussia's and Russia's distrust of France and Belgium resulted in the paradox of the recognition of Belgium's right to existence without according it the means of fulfilling the mission entrusted to it by its geographical position. The unsoundness of this work has been shown in the course of the present war.

II.

THE QUESTION OF THE SCHELDT.

The origin and significance of the Dutch position on the left bank of the river.

The artificiality of the Dutch position on the left bank of the natural riverain boundary is apparent from the map. It is the expression of an abiding Dutch policy in that it throttles the port of Antwerp for the benefit of Amsterdam, and gives Holland a bridge-head for its defense against France and Spain, and is thus a survival of the system of the "barrier."

The Scheldt from the Treaty of Münster to 1830.

The Dutch claim of full sovereignty for the lower Scheldt, as against the Belgian claim of its freedom, was established in the Treaty of Münster (1648), and confirmed by the Treaty of Fontainebleau (1785), and lasted until revolutionary France freed the Scheldt, 1 February, 1793, and accordingly obtained the cession of the left bank from Holland by the Treaty of The Hague (1795).

Belgian and Dutch claims in 1830.

Upon the outbreak of the revolution in 1830, the Dutch closed the Scheldt, and presented their claim to its control to the Conference of London. (*)

(*) See Note 10 Dec. 1830, Annex B, Protocol No. 5, Br. & For. St. Pap., vol. 18, p. 740.

Belgium claimed the left bank as necessary to the freedom of the Scheldt, to the drainage of Flanders, and as containing the canal which is the commercial outlet of Ghent.

“Without possession of the left bank of the Scheldt, Belgian territory will lie open and the free navigation of the River can be no more than an illusory stipulation.”(*)

The attitude of
the Conference.

The Conference compromised by applying to the Scheldt Articles 108 to 117 of the General Act of Vienna.(†) The Conference added a condition, in view of the special circumstances, in the following terms:

“As to that which specially concerns the navigation of the Scheldt, it shall be agreed that the pilotage, the buoying, as well as the maintenance of the channels below Antwerp, shall be submitted to joint administration; * * * that moderate pilotage fees shall be agreed on, and that such fees shall be the same for Dutch and Belgian commerce.”(‡)

“The commerce of the principal cities of Holland passes by this river (the Rhine), and by vessels in the offering of facilities to which the Dutch Government is interested. It has the same interest on the Scheldt * * * and there the pilotage and buoying seem to demand an additional guarantee. The Conference had furthermore heard Holland on the right to close the Scheldt, and had received notice that the failure to maintain the buoys was making the navigation of the channels of that River difficult. Thus it is surprising that it had deemed necessary stipulations intended to prevent a recurrence of such a difficulty.”(§)

The Conference held its ground, and in the Treaty of April 19, 1839, beside the joint administration of the pilotage, buoying, maintenance of the channels, determination by common agreement of fishing rights and rights of pilotage, established three additional

(*) Memoire of the Belgian Delegates to Palmerston, 6 Jan. 1831.

(†) Bases of Separation, 20-27 Jan. 1831, Annex A, Protocol No. 12, *ibid.*, p. 761.

(‡) *Ibid.*, p. 765.

(§) Bon Guillaume. *L'Escaut depuis 1830*, vol. 1, p. 46.

stipulations: the first, authorizing the two countries to establish pilotage of the entire course of the Scheldt and of its mouth; the second, limiting the pilotage fees chargeable by Holland; and the third, obliging the Dutch to open "other equally safe, good, and convenient ways of communication," if the navigation of the River should become impracticable.

Although the Conference of London appreciated the difficulties of the position on the Scheldt, the support given to Holland by Prussia and by Russia prevented the adoption of the natural solution required by the interests of the world's commerce, to wit: the possession by Belgium, and the mastery of the Lower Scheldt based upon her possession, of the left bank.

The stipulations of the Treaty of 1839 are incoherent; the modern principle of the freedom of international rivers is opposed in those stipulations by remnants of the odious system which once ruined Antwerp by the closure of the Scheldt. This mixture of contradictory elements has given rise to difficulties which will end only when the control of the Lower Scheldt is assigned without reservation and without limitation to the state directly interested in the prosperity of Antwerp. The joint administration devised in 1831 is but a palliative, the ineffectiveness of which has been demonstrated by experience.

III.

OUR EASTERN FRONTIER.

Our eastern frontier is entirely artificial, having neither a national, geographical nor historical basis. A delimitation expressive of the political views and military convenience of our neighbors at the Congress of Vienna was made worse by the work of the Conference of London.

In 1815 Prussia was attempting to convert its right of occupation of the right bank of the Rhine

Imperfect
nature of the
solution
adopted by the
Conference.

The work
of 1815.

into sovereignty. The English Government was opposed thereto, Wellington being desirous of extending the new Kingdom of the Netherlands to the Rhine in the interests of its military defense. The resulting compromise gave the old imperial French Departments of the Ourthe and the Lower Meuse to Holland, as well as both banks of the Meuse from Venloo to Knock.

Nevertheless, Prussia succeeded in obtaining a strong position; solidly entrenched on the Rhine, she obtained that part of Luxembourg on the right bank of the Moselle and on the left bank of the Lower Sure, and of the Our, as well as the districts of Saint-Vith, Reuland, Malmedy, Gronenbourg, Butgenbach, Elsenborn, Eupen; Moresnet in part, Rolduc, and Ubach to the north, and upper Gueldres on the left bank of the Zwalmen. We lost our rampart of the Eifel.

By Article 67 of the Act of Vienna, the North German Confederation obtained control of the Duchy of Luxembourg, which has a long historical relation to Belgium and to France, despite the grant of its dynastic sovereignty to the King of the Netherlands. Although the Treaty of Vienna denied Prussia the frontier of the Meuse, it opened vital points of our natural defensive system to that Power.

Belgian claims of 1830. In 1830 revolutionary Belgium claimed the Provinces of Luxembourg and of Limbourg in their entirety. Limbourg had always been Belgian. It is true that once it contained certain old Dutch enclaves about Maastricht, Stevensweert, and Venloo, but these had been ceded to France in 1795. Maastricht, however, had never been wholly Dutch, which country until 1795 shared the condominium thereof with the Prince Bishops of Liége.

The Belgian character of Luxembourg was recognized by the King of the Netherlands by its administration as a Belgian Province from 1815 to 1830. Its representatives sat in the States General, and were included in the fifty-five representatives allotted to

the Belgian people. The popular feeling of its inhabitants was expressed by their spontaneously joining the Belgian Revolution of 1830.

By right of self-determination Limbourg thus also belonged to Belgium, as it joined the Revolution of 1830.

These Belgian claims were denied by the Conference of London, which, determined to maintain peace, and under Prussian pressure, sacrificed Belgian rights and interests. Three solutions were successively adopted by the London Conference: 1) the "bases of separation," leaving Luxembourg outside of Belgian territory, and proposing an exchange of enclaves in Limbourg; 2) the "XVIII Articles," making the Belgian claims to Luxembourg subject to special negotiation; 3) the "XXIV Articles," whose provisions were expressed in the Treaties of 1831-39, and which were the result of the defeat of the Belgian forces in August, 1831. These express the concern of Prussia and Russia at popular sympathy for Belgium and France, and the German control accordingly established for the improvement of the strategical positions in Luxembourg and Limbourg as a counter check to French influence in Belgium.

Half of Luxembourg was given to Belgium, the other half became a separate State and a member of the North German Confederation. Belgium lost the northern half of Limbourg, and the entire right bank of the Meuse, including the vital position of Maastricht. This solution was disastrous for Belgium, threatening her commercial interests and paralysing her national defense.

The North German Confederation held all the strategic parts of Luxembourg, including its fortress. Limbourg, as well, was forced to submit to the imposition of those servitudes to which the members of the North German Confederation were subjected.

The successive solutions adopted by the Conference of London.

The Treaty of 1839 as a German political victory.

IV.

THE NEUTRALIZATION OF BELGIUM.

The neutralization of Belgium also has its origin in the distrust of Prussia and of Russia.

"The Belgians have at all times been a restless and turbulent people. It seems necessary to condemn Belgium to a sort of peaceful existence, and to force her to give her entire attention to commerce and to industry which will from day to day increase her rivalry with France and her good will towards Holland."(*)

The object of the neutralization of Belgium was to reduce, as far as possible, the advantage which the natural sympathy of the Belgian people might give to France.

It served as an excuse for ignoring the strategical weakness of the frontiers imposed. Nor was that system willingly accepted by Belgium.

"His Majesty, desiring to spare his people the misfortunes which would follow in the train of the forceful execution of these XXIV Articles, and being desirous not to expose Europe to a general war, yields to the imperious law of necessity, and adheres to the hard and burdensome conditions which are imposed upon Belgium by the Conference of London. These considerations, and a force superior beyond hope of resistance, have been necessary in order that His Majesty should be able to resign himself to the abandonment of those generous populations which accepted him upon his arrival as their liberator and their support, and who during fifteen months have willingly undergone every privation, and shown a devotion beyond all belief, in the support of a cause and of a state to which they may not belong by a law imposed upon them by cruel necessity."(**)

(*) Report of the Prince de Lieven, dated 22 Jan. 1831, citing the proposal of Palmerston's.

(**) Statement of the Belgian plenipotentiary at London, Sylvan Van de Weyer, in adhering to the XXIV articles.

DOCUMENT 304

**Observations^a upon the Memorandum Submitted to the American
Commission to Negotiate Peace by His Excellency
the Belgian Minister at Paris
17 January, 1919**

By direction of the American Commission to Negotiate Peace, the undersigned have prepared the following observations upon the confidential memorandum,^b and upon two notes^c in support thereof, juridical and historical, submitted by the Belgian Minister at Paris to the Commission. A brief summary of the more important points therein presented is appended hereto.

The conclusions at which the undersigned have arrived, and which are to be more fully set forth in this memorandum, are as follows:

1. That of the Powers signatory to the Belgian Treaties of 1839 only Belgium, France and Great Britain severally have fulfilled their obligations thereunder. Austria, Germany, Russia and Holland have either violated severally the expressed provisions of the Treaties, or have failed severally in the performance of the duties which they had thereby assumed.

2. That Belgium upon the conclusion of Peace will be possessed of the right to denounce the Treaties and each and every part thereof.

3. That the claim of Belgium to a revision of the provisions of the Treaties of 1839 has a quasi-juridical basis, to be viewed in the light of justice both to Holland and to Belgium, under existing circumstances.

4. That the revision of the Treaties is not a question concerning only Belgium, France and Great Britain, and in the second instance Holland, but on the contrary is one of general interest; ac-

a. Signed by James Brown Scott and D. H. M. Prepared by Mr. Warrin. See Diary, p. 108.

b. Document 298.

c. Documents 299 and 300.

cordingly, that question is for the consideration of the Conference of Paris, pursuant to the procedure of which in normal course, and in the first instance, it will come to be considered by the Five Great Powers, including the United States of America, and by Belgium, as a lesser Power directly interested.

It is not the intention of the undersigned to express any opinion upon the policy which may be deemed advisable to be pursued by the United States of America or by the Allied and Associated Powers in the settlement of such questions relative to Belgium as may be presented to the Peace Conference. If the following considerations supporting the four conclusions above stated appear to be favorable or unfavorable to Belgian claims, or to the adoption of one policy rather than another, that fact results from the nature of the juridical case. The undersigned submit the same for such consideration as the juridical aspect of the present situation of Belgium may be deemed to merit.

INTRODUCTORY NOTE UPON THE TREATIES OF 1839

The international arrangement, made for a European object, which established the independent Kingdom of Belgium, and provided for its security, is expressed in three treaties executed at London, 19 April, 1839; together they form the fundamental international statute of Belgium.

The first was a treaty between Austria, France, Great Britain, Prussia and Russia, called the Five Powers, and Holland. The latter thereby recognized the dissolution of the former union of Holland with Belgium, and undertook to agree with Belgium upon certain Articles annexed to the Treaty, which were made a part thereof, and which were expressly guaranteed to Holland by the five Powers.

The second was a treaty between Belgium and Holland embodying the Articles mentioned.

The third was a treaty between Belgium and the five Powers ex-

pressly making the Articles mentioned a part thereof, and establishing the guarantee thereof to Belgium by the five Powers.

The Articles mentioned, briefly summarized,

1. defined the territorial limits between Belgium and Holland, Prussia, Luxemburg and France,
2. made provision in several respects relative to the separation of Belgium from Holland, including the navigation of the Scheldt, the restriction of the port of Antwerp to the uses of commerce, the commercial communication through Maastricht and Sittardt, and the apportionment of the public debt,
3. provided for the independence and for the perpetual neutralization of Belgium, and imposed upon her the duty to observe neutrality towards all other states.

The guarantee of the five Powers to Belgium and to Holland respectively relates to each of the Articles mentioned; and the manner of its expression accounts for the existence of three Treaties instead of one; but the arrangement is entire.

I. THE VIOLATION OF THE TREATIES OF 1839

As far as concerns the German Empire and Austria it is enough to cite the Declaration of War against Belgium by these two guarantors of her perpetual neutrality, on the 4th and 28th of August, 1914, respectively.

On the date that Belgian neutrality was violated that country appealed to the other guaranteeing Powers, namely France, Great Britain and Russia, to cooperate in the defense of her territory in accordance with the provisions of the Treaty of 1839.

M. Davignon, Belgian Minister for Foreign Affairs, to British, French, and Russian Ministers at Brussels.

Brussels, August 4, 1914.

Sir,

The Belgian Government regret to have to announce to your Excellency that this morning the armed forces of Germany entered Belgian territory in violation of treaty engagements.

The Belgian Government are firmly determined to resist by all the means in their power.

Belgium appeals to Great Britain, France, and Russia to cooperate as guaranteeing Powers in the defense of her territory.

There should be concerted and joint action, to oppose the forcible measures taken by Germany against Belgium, and, at the same time, to guarantee the future maintenance of the independence and integrity of Belgium.

Belgium is happy to be able to declare that she will undertake the defence of her fortified places.

(The Belgian Grey Book, No. 40.)

The response of Great Britain, of France, and of Russia to this appeal was received the following day:

Count de Lalaing, Belgian Minister at London, to M. Davignon, Belgian Minister for Foreign Affairs.

London, August 5, 1914.

(Telegram.)

Great Britain agrees to take joint action in her capacity of guaranteeing Power for the defense of Belgian territory. The British fleet will ensure the free passage of the Scheldt for the provisioning of Antwerp.

(The Belgian Grey Book, No. 49.)

Communication of August 5, from Sir Francis Villiers, British Minister at Brussels, to M. Davignon, Belgian Minister for Foreign Affairs.

I am instructed to inform the Belgian Government that His Britannic Majesty's Government consider joint action with a view to resisting Germany to be in force and to be justified by the Treaty of 1839.

(The Belgian Grey Book, No. 48.)

M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Paris, London, and St. Petersburg.

Brussels, August 5, 1914.

Sir,

I have the honour to inform you that the French and Russian Ministers made a communication to me this morn-

ing informing me of the willingness of their Governments to respond to our appeal, and to co-operate with Great Britain in the defense of Belgian territory.

(The Belgian Grey Book, No. 52.)

As far as concerns France and Great Britain, their entire compliance with the terms of the Treaties and their full discharge of the obligations assumed by them as guarantors thereof, is admitted by Belgium, to whom they are in that respect bound, and any question thereof is precluded by that admission.

As far as concerns Russia, no doubt exists as to her compliance with all the terms of the Treaties, except the guaranty. The discharge of the obligation assumed by her as a guarantor, however, must remain incomplete by reason of her withdrawal from the joint action undertaken with France and England, and from the war, before the expulsion of the forces hostile to Belgium from the territory of the latter.

As far as concerns Holland, the passage with her consent and across her territory of a part of the German Army 12 November, 1918, would appear to have been a violation on her part of the Treaties of 1839.

Although not a guarantor of the stipulations of those Treaties, Holland had thereby agreed, equally with the Five Powers, that Belgium should form an independent and perpetually neutral State, and that the latter should be bound to observe such neutrality towards all other States. Furthermore, Holland had accepted from the Five Powers the guarantee of the arrangement so agreed to. Holland thus definitely recognized the special contractual status of Belgium as a neutralized State, as well as all her own rights and duties implied in such recognition.

In direct violation of the Treaties, Germany was engaged in the destruction by force of arms of the perpetual neutrality of Belgium; in direct performance of the Treaties Belgium, and her guarantors France and Great Britain, were engaged in opposing upon

Belgian territory the armed forces of Germany so engaged. The state of war thus existing on Belgian territory between Belgium and her two faithful guarantors on the one hand, and her two faithless guarantors on the other, was rightful on the part of the former, and wrongful on the part of the latter, as far as concerned all states privy to the Treaties.

Bound by that fact, and concluded by that privity, every unneutral act of Holland in aid of the wrongdoers constitutes a violation by Holland of her own engagements under the Treaties of 1839; and Holland's consent to the passage across her territory of German armed forces would seem unquestionably to be such an unneutral act; there can be no doubt but that the withdrawal of German forces, supplies and stores from territory upon which they were about to become subject to capture was thereby facilitated to a substantial degree.

The long-standing principle that a neutral Power may not allow the movement of troops or convoys, either of munitions or of supplies, across its territory was included among the declaratory provisions of the Hague Convention of 1907, relative to The Rights and Duties of Neutral Powers.

Nor can the armistice in existence between belligerents furnish justification. The duties of neutrals arise from the existence of a state of war, and remain unaffected by the conclusion of an armistice between belligerents; nor can Holland avail herself of the special plea that the unneutral act in question was in furtherance of the very operation required of the German army by the terms of the armistice. The Allied and Associated Powers in deciding what terms they should impose had an unqualified right to rely upon Holland's strict observance of neutrality; in defense of her wrongful departure from the duties of a neutral, Holland cannot be heard to search their motive in imposing such terms.

Nor does the subsequent permission accorded by Holland to the Allied Powers to use Dutch communications in supplying their ar-

mies of occupation improve Holland's position relative to her prior violation of the Treaties of 1839. Whatever ground for objection thereto Germany may have by reason of the general rules of international law, she can have no ground of objection by reason of the Treaties, which she was herself the first to violate.

2. BELGIUM'S RIGHT TO DENOUNCE THE TREATIES IN ALL RESPECTS.

The Treaties of 1839 will become voidable by Belgium upon the termination of the existing state of war; for the mutual obligations thereunder of Belgium on the one hand, and of France and Great Britain on the other, may be said to subsist as long as the German and Austrian declarations of war against Belgium are outstanding. With such reservation as to France and Great Britain, Belgium's rights of denunciation are already complete.

It is universally recognized that treaties are voidable when the parties thereto fail to observe the same in their essentials.

This ground for the denunciation by Belgium of the Treaties of 1839 exists. Germany and Austria have failed to observe the Treaties in the essential of the neutrality of Belgium. Furthermore, the events which have made the Five Power guarantee impossible of restoration have made an essential change in the circumstances and conditions relative to which the Treaties were entered into and which obtained until 1914.

Thus Belgium has a right to denounce the Treaties in all respects. First, there can be no question but that the breach of a stipulation which is material to the main object of the Treaties liberates the party other than that committing the breach from every contractual obligation assumed by it thereunder. And second, the changed circumstances as to the guarantee affect every clause of the Treaties because the performance of every clause was expressly guaranteed.

An additional ground is the fact that the guarantee was a mate-

rial part of the consideration received by Belgium for the several obligations assumed by her under the Treaties.

The effect of the caducity of the Treaties will be to leave Belgium a sovereign and independent Kingdom within the territorial limits defined by the Treaties of 1839. The frontiers of Belgium existing prior to the outbreak of the war will continue to remain her frontiers until the conclusion of peace, and even thereafter, unless modified by the Treaty of Peace.

Nor will the transitory and dispositive provisions of the Treaties of 1839 relating to the separation in 1831, of Belgium from Holland, and now fully executed, be disturbed.

All other provisions of the Treaties will, however, necessarily fail, including among the more important, the perpetual neutralization of Belgium, the régime of the Scheldt, and the restriction of the Port of Antwerp to the uses of commerce.

The foregoing is a brief statement of the strictly juridical aspect of the proposed revision of the Treaties of 1839.

3. THE QUASI-JURIDICAL BASIS OF THE BELGIAN CLAIM TO A REVISION OF THE TREATIES OF 1839.

However, the continuance in future of the neutralization of Belgium and its guaranty, as the same existed prior to 1914, is admittedly impossible, and that impossibility alone suffices to make the Treaties of 1839 voidable by the aggrieved party, namely Belgium. The acquisition by Belgium of such a right from the existence of such a fact has a quasi-juridical consequence which may be said to modify the force of the strictly juridical conclusion expressed as to the survival of the territorial limits of Belgium after the caducity of the Treaties.

The following observations thereon may be deemed appropriate. Although the argument does not proceed upon the principles of international law which have come to be recognized as such universally, it nevertheless is fully sustained by what have been called principles of natural justice, which are equally well recognized in

all the great systems of municipal law, and which are derived from the conscience of mankind.

Nor has the contention ever in modern times been seriously advanced that the so-called principles of natural justice can be disregarded in the field of international law.

The principles in question are those which either indemnify the party aggrieved by the breach of a contract from which the impossibility of its further performance ensues, or require the restoration of the position existing at the time the contract was made, either by the return of the consideration, or of its equivalent.

In applying these principles to the present case of Belgium it is not necessary to make further mention of the breach of the contract, namely the destruction of the perpetual neutrality of Belgium. It must be borne in mind, however, that whatever advantages she derived from the respect which her neutralization enjoyed prior to 1914 have been more than offset by the harm she has suffered in the past four years during the process of its destruction, and in her own expenditure of blood and treasure in its defense.

Otherwise their application rests upon the following facts:

In 1831 the Belgian provinces, which had become a part of the Kingdom of the Netherlands under the sovereignty of William of Nassau-Dietz as a result of the events of 1814 and the Treaty of Vienna, revolted, and established a provisional government. The Dutch dynasty proceeded to suppress this revolt by force of arms, and the military resources of the Provisional Belgian Government were inadequate to a successful resistance.

The only avenue of escape which appears to have been open to Belgium lay in the perpetual neutralization, which the Five Powers were willing to guarantee in consideration of the acceptance by Belgium of territorial limits excluding a large part of Limburg and of Luxemburg, which had made common cause with the other Belgian provinces of the revolution, and excluding the south bank of the Scheldt.

The foundation of the present Belgian territorial claims thus rests in part upon an alleged failure of consideration, namely the violation and permanent destruction of her guaranteed neutrality, which was deemed essential to her existence as an independent State within the territorial limits imposed upon her therewith.

In this connection it is proper to say a word upon the lapse of time between 1831 and 1914. If the guaranteed neutralization of Belgium had been destroyed within a year or two of its creation, her claims to the territory excluded would not have been prejudiced by the creation and failure within that time of such a régime. Although at the present day the more than eighty years which have elapsed cannot be said to have had no effect upon the force of these territorial claims, yet, on the other hand, if the neutralization of Belgium had survived the present war only to meet with destruction at the hands of two of her guarantors fifty years hence, still at that future date it could not justly be said that such claims then reviving would be entirely without force by reason of the lapse of time.

For such claims to continue, despite lapse of time, they must embrace the essential element of vitality, namely, justice. And in the light of justice, both to Belgium and to Holland, must such claims be examined, in the quasi-juridical aspects now considered.

Accordingly the present situation on the Scheldt with the possession by Holland of territory on the left bank, hindering the commercial development of Antwerp, and impairing its military value as a fortress; the question of the Dutch retention of Limburg, hindering the development of the economic channels running East and West across that territory, and down the Meuse, and comprising the defensive strength of the line of that river to the South; and the question of the continued independence of Luxembourg, with the economic and strategical elements involved therein, arise for solution. Only a just solution can in future assure the continuance of friendly relations between Belgium and Holland in the

full measure that is so important to the welfare of each, and the adjustment with Holland sought by the Belgian Government is a friendly one. The preferences of the population of these territories with respect to nationality are also to be considered as a just factor in the solution of these questions. The quasi-juridical aspect here meets the political.

From these quasi-juridical observations, Belgium may be said to have something in the nature of a present right to the consideration of her territorial claims. It follows that the Powers who guaranteed her neutrality and were parties with Belgium to the Treaties, or, like Holland, were privy to the Treaties without guaranteeing the same, have something in the nature of a present duty to find and accept a solution which will relieve Belgium from the prejudice she will otherwise suffer from the permanent loss of the guarantee of her neutrality. The only difference in this respect in the position of the Powers privy to the Treaties of 1839 from that of the other Powers allied and associated with Belgium is that the similar duties of the latter are not derived from the Treaties, but nevertheless exist to the extent of the interest of such other Powers in the existence of an independent Belgian State.

The basis of the solution of the Belgian question, accepted as one of the bases of the Peace not only by the Allied and Associated Powers, but by Germany and Austria as well, is as follows:

VII. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

In this the impossibility of the continuance in future of the

neutralization of Belgium is recognized, and the restoration which shall be made to her by the Peace is expressly qualified. It is to be the healing act which will restore the confidence among the Nations in international law.

Although any further definition of that healing act is entirely a matter of policy, it may be proper to observe that, from the juridical standpoint, due regard for the so-called principles of natural justice may be said to be implied because essential to the restoration of the public confidence in international law. For those principles are acknowledged and accepted as an expression of the conscience of mankind in the municipal law and life of every civilized nation. Due consideration of the Belgian claims arising therefrom appears from that point of view to be part of the American Program of the Peace, which has been accepted by the Powers.

“An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation no part of the structure of international justice can stand.”

(From President Wilson's address to Congress, January 8, 1918.)

4. THE REVISION OF THE TREATIES A QUESTION OF GENERAL INTEREST.

The procedure suggested in the memorandum submitted by the Belgian Minister at Paris that the revision of the Treaties be undertaken in the first instance only by those who were parties thereto probably will not be maintained after the establishment of the *règlement* of the Conference of Paris.

A word may be said, however, upon the historical fact that the Belgian Question is one of general interest.

The permanent neutrality of Belgium, confirmed and established by the Treaties of 1831 and 1839 as a principle in the public law of Europe, is a direct outgrowth of the failure and collapse of Castle-

reagh's plan for the aggrandizement of the Kingdom of the Netherlands by joining the Belgian Provinces thereto, a plan which has been well called "an arrangement for an European object." Castlereagh in 1815 sought to safeguard the low countries by an increase of their capacities for self defense, and having failed, Palmerston and Talleyrand in 1830-1839 sought to achieve the same object by placing an appropriate inhibition upon the Powers in the matter of the neutralization of Belgium.

It is in her relation to such "European Object," and in the assumption of her duties in that respect, that Belgium found the occasion for the international recognition of her sovereignty, and of her independence. Belgium's discharge of those duties has been conscientious and unfailing in the faithful maintenance and defense of her neutralization in every eventuality.

The new dispositions about to be made by reason of the destruction of the arrangement of 1831-1839 will have to find new safeguards for the independence of Belgium, which by its acts has deserved well of the Society of Nations. It may perhaps be suggested that Belgium has as much to fear from the friendship as from the enmity of its neighbors.

But this time the new arrangement will not be for "an European," but for a world-wide, interest; not in support of the balance of power in Europe, but in connection with the formation of a League of Nations.

**Summary of the Important Points Raised in the Memorandum
Submitted to the American Commission to Negotiate Peace
by His Excellency the Belgian Minister at Paris,
January 17, 1919, and in the Historical and
Juridical Notes Submitted Therewith**

By direction of the American Commission to Negotiate Peace, the undersigned have prepared the following Summary of the important points raised in the Memorandum^a submitted to the Commission by His Excellency the Belgian Minister at Paris, January 17, 1919, and in the historical and juridical Notes^b submitted therewith.

I. THE QUESTION OF THE SCHELDT.

A modification of the situation existing on the Lower Scheldt prior to the outbreak of the present war is sought by Belgium, by reason (1), of the opportunity thereby afforded the Dutch of prejudicing Antwerp to the advantage of Amsterdam and Rotterdam, by the pursuit of an obstructionist policy in the matter of the administration of the navigation of the Scheldt by the joint Belgian and Dutch Commission, and (2), by reason of the closing of Antwerp both as a commercial and as a military port at all times of Belgian belligerency and Dutch neutrality, by reason of the latter's possession of territory on the south bank of the Scheldt.

II. THE QUESTION OF LIMBOURG.

A modification of the territorial and economic situation of the southern part of Dutch Limbourg, existing prior to the outbreak of the present war, between Holland and Belgium, is sought by Belgium (1), by reason of the opportunity thereby afforded the Dutch of prejudicing Antwerp to the advantage of Amsterdam and Rotterdam, by refusing to do the necessary in the matter of the normal development of the natural lines of commercial communication which cross the southern part of Dutch Limbourg from east to west and connect the German territory on the east and southeast

a. Document 298.

b. Documents 299 and 300.

with Antwerp, its normal port of outlet; and (2), by reason of the impairment of the defensive strength of the present and possible eastern frontiers of Belgium and of the line of the Meuse, which results from the Dutch possession and inability to defend the southern part of Dutch Limbourg, with its bridgehead at Maestricht, on the western bank of the Meuse.

III. THE QUESTION OF LUXEMBOURG.

A modification of the situation existing as to the Grand Duchy of Luxembourg prior to the outbreak of the present war is sought by Belgium by reason (1), of the impairment of the defensive strength of Belgium's eastern and southeastern frontier which would result from the continued independence of this natural field for the concentration of hostile armies, or of its possession by France, whereby southeastern Belgium would be entirely enclosed by French territory; and (2), in the last respect of the more normal position in which the large Catholic population of the Grand Duchy would find itself by the reunion under Belgian sovereignty of the Grand Duchy and Belgian Luxembourg, of which it was a part in 1839.

IV. THE QUESTION OF BELGIAN NEUTRALITY.

The future guaranty of Belgian neutrality having become impossible in the course of the events consequent upon its violation by two of her guarantors, Belgium advances a semi-juridical claim to the southern part of Dutch Limbourg, to the Grand Duchy of Luxembourg, and to the south bank of the Scheldt, founded (1), as to the first two, upon the fact that the whole of the Belgian Provinces of Limbourg and Luxembourg, which had joined the Belgian Revolution of 1830, were excluded from Belgian territory as delimited by the Powers which agreed to the neutralization of Belgium and guaranteed the same in 1831, and again in 1839; and (2), upon the necessity for a strategically sound frontier which arises from the loss of the protection which her perpetual neutralization was intended and expected to afford.

DAVID HUNTER MILLER
JAMES BROWN SCOTT